

Virginia General Assembly

2020 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 2020 Regular Session through adjournment sine die on **March 12, 2020**. 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, Failed, or Carried Over*. 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 recommendations and may be acted upon by the General Assembly at the Reconvened Session on April 22, 2020, 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 2021 Session of the General Assembly, its provisions will not become effective on July 1, 2020, 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, bonds, and claims bills), charter bills, and study resolutions.

Administration of Government

Passed

HB108 **Legal holidays; Lee-Jackson Day; 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. This bill is identical to SB 601.

Patron - Lindsey

HB117 **Virginia Geographic Information Network Advisory Board; membership.** Adds two county, city, town, or regional government geographic information system (GIS) directors or managers as members of the Virginia Geographic Information Network Advisory Board. This bill is identical to SB 127.

Patron - Wright

HB313 **Virginia Freedom of Information Act; library records.** Clarifies that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act. This bill is identical to SB 259.

Patron - Gooditis

HB358 **Project labor agreements; public procurement.** Authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. The bill incorporates HB 122, HB 1202, and HB 1311. This bill received Governor's recommendations.

Patron - Lopez

HB394 **Director of Diversity, Equity, and Inclusion; position created.** Establishes the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy.

Patron - Ward

HB437 **Department of General Services; disposition of surplus materials; permit sale to active military-owned and military spouse-owned businesses.** Requires the Department of General Services to permit surplus materials to be sold, prior to public sale or auction, to active military-owned and military spouse-owned businesses.

Patron - Carroll Foy

HB446 **Department of General Services; disposition of surplus materials; donation of surplus computers; United States military.** Requires the Department of General Services to permit surplus computers and related equipment to be donated to organizations in the Commonwealth granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code that refurbish computers and related equipment for donation to veterans and active military, naval, or air service members. The bill also provides that any such donation to an organization shall be conditioned upon, and in consideration of, the organi-

zation's promise to refurbish the donated equipment and distribute it free of charge to such veterans or active military, naval, or air service members.

Patron - McGuire

HB452 **Virginia Public Procurement Act; small purchases.** Increases from \$100,000 to \$200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also removes outdated provisions related to informal solicitations required to be posted on the Department of General Services' central electronic procurement website. This bill is identical to SB 650.

Patron - Murphy

HB454 **Virginia Public Procurement Act; purchase programs for recycled goods; climate positive materials.** Directs the Department of General Services to make state agencies aware of the availability of recycled materials and products certified as climate positive. The term "climate positive" is defined as having a negative carbon footprint.

Patron - Wyatt

HB510 **Virginia Freedom of Information Act; public institutions of higher education; information related to pledges and donations.** 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 (i) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (ii) the pledge or donation does not impose terms or conditions directing academic decision-making. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council. This bill is identical to SB 140.

Patron - Bulova

HB511 **Electric vehicle charging stations; operation by state agencies.** Authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls. The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently, state-operated charging stations may be operated by the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, Department of Transportation, and public institutions of higher education.

Patron - Bulova

HB544 **Department of General Services; public posting of contract information on central electronic procurement system.** Provides for the Department of General Services to post on its central electronic procurement system awarded contracts and any modifications to such contracts. The bill also requires agencies that use the Department's central procurement website to post the same information and provides that any contract awarded pursuant to an Invitation to Bid or a Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency, shall be posted on the Department's central electronic procurement system. The bill requires a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining to be posted on the Department's central electronic procurement system, along

with the original contract and any previous modifications. This bill is identical to SB 563.

Patron - Carr

HB548 Virginia Freedom of Information Act; exclusions; Department of Behavioral Health and Developmental Services; records of active investigations. Exempts from mandatory disclosure under the Virginia Freedom of Information Act records of active investigations that are being conducted by the Department of Behavioral Health and Developmental Services.

Patron - Delaney

HB581 Department of Human Resource Management; required online training for diversity and cultural competency. Requires the Department of Human Resource Management to develop an online diversity and cultural competency training module. The bill requires all state employees commencing or recommencing employment with the Commonwealth on or after January 1, 2021, to complete such training within 90 days of commencing or recommencing such employment and all persons employed with the Commonwealth on January 1, 2021, to complete such training no later than April 1, 2021.

Patron - Guzman

HB587 Department of General Services; baby changing facilities in restrooms located in public buildings. Directs the Department of General Services to include in its standards for capital outlay construction policies for the construction and installation of physically safe, sanitary, and appropriate baby changing facilities in restrooms. The bill defines "baby changing facility" as a table or other device suitable for changing the diaper of a child age three or younger.

Patron - Guzman

HB624 Office of the Attorney General; Division of Human Rights; compensation discrimination information. Directs the Division of Human Rights of the Department of Law to develop recommendations regarding the type of information about businesses and their employees and the accompanying methodology that would be required for the Division to proactively enforce provisions of the Code of Virginia requiring equal pay of similarly situated employees irrespective of sex and race. The bill requires the Division to also develop recommendations regarding appropriate enforcement mechanisms, including causes of action and civil remedies, to address discrimination in compensation based on sex and race. In developing such recommendations, the bill directs the Division to engage stakeholders representing employers and employees in the Commonwealth. The bill requires the Division to report its findings and recommendations to the Governor and the General Assembly no later than November 30, 2020.

Patron - Hurst

HB659 Department of Corrections; workgroup; recommendations to assist people with developmental disabilities. Directs the Department of Corrections to create a workgroup to review current guidelines and develop recommendations that recognize and make accommodations for people with developmental disabilities.

Patron - Hope

HB704 Environmental justice; policy. Provides that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth. This bill is identical to SB 406. This bill received Governor's recommendations.

Patron - Keam

HB719 Administration of government; general provisions; state publications to be made available in electronic format. Requires state publications provided to (i) the General Assembly or any committee, subcommittee, commission, agency, or other body within the legislative branch or (ii) the chairman or agency head of such entity and publications of any agency, institution, collegial body, or other governmental entity to be made available as read-only and text-searchable Portable Document Format (.pdf) files or some other widely used and accessible read-only and text-searchable electronic document format. All requests for such reports or publications shall be made electronically unless expressly requested otherwise.

Patron - Reid

HB722 Virginia Freedom of Information Act; exclusions; proprietary records and trade secrets; affordable housing loan applications. Excludes from mandatory disclosure financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. The bill also provides that such financial and proprietary records shall not be withheld after they have been made public by HUD or VHDA. This bill is identical to SB 269.

Patron - Reid

HB757 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 for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee 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. For localities, the prohibition also does not apply to positions for employment by the local school board. This bill incorporates HB 140.

Patron - Aird

HB775 Virginia College Savings Plan; stakeholder group to analyze private retirement plans; report. Directs the Virginia College Savings Plan to convene a stakeholder group, analyze private retirement options and develop recommendations, and report to the General Assembly by December 15, 2020. The scope of the study would include (i) an examination of potential retirement savings options for self-employed individuals, part-time employees, and full-time employees whose employers do not offer a retirement savings plan; (ii) the level of interest by Virginia employers in participating in a voluntary state-sponsored private retirement option; (iii) the likely costs to start up such a plan and an estimate of time to reach self-sufficiency and potential funding options; (iv) the experience of other states that have implemented or are implementing a state-sponsored private retirement solution for employers and

employees; and (v) the appropriate state agency and structure to implement the solution.

Patron - Ayala

P HB827 Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief. The bill contains technical amendments and is identical to SB 712.

Patron - Carroll Foy

P HB852 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 by November 30, 2020, 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. The bill requires the Commonwealth's executive, legislative, and judicial branches and independent agencies, beginning January 1, 2021, to provide annual information security training for each of its employees using the curriculum and materials developed by the CIO.

Patron - Ayala

P HB890 Construction management contracting; use by local public bodies. Removes the provision limiting the use of construction management contracts by local public bodies to projects with a cost expected to exceed \$10 million and provides that construction management may be utilized on projects where the project cost is expected to be less than the project threshold established in the procedures adopted by the Secretary of Administration for using construction management contracts. This bill is identical to SB 341.

Patron - Sickles

P HB935 Economic development programs; reporting requirements. Clarifies the due dates for plans and reports to be prepared and submitted by the Virginia Economic Development Partnership Authority to various individuals and repeals the requirement that the Secretary of Commerce and Trade provide an annual report on the effectiveness of economic development programs in the Commonwealth. The bill contains technical amendments.

Patron - Willett

P HB990 Department of Military Affairs; change of secretariat. Moves the responsibility of the Department of Military Affairs from the Public Safety and Homeland Security secretariat to the Veterans and Defense Affairs secretariat.

Patron - Reid

P HB993 Administration of government; boards and councils; cleanup. Aligns authorizing language across certain boards and councils. The bill also increases from 18 to 21 the nonlegislative citizen members of the Asian Advisory Board and the Council on Women. The bill removes the power and duty of the Council on Women to review and comment on budget and appropriation requests and grant applications. The bill revises the purpose of the Council on Women from identifying ways in which women can reach their potential to advising the Governor on matters pertaining to women and ways to improve their educational, professional, cultural, and governmental status within the Commonwealth.

Patron - Lindsey

P HB1017 Research and development in the Commonwealth. Creates the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth. The Authority is governed by an 11-member Board, consisting of the Secretary of Commerce and Trade, six nonlegislative citizen members appointed by the Governor, and four nonlegislative citizen members appointed by the Joint Rules Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments. This bill is identical to SB 576.

Patron - Sickles

P HB1049 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 also adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

Patron - Levine

P HB1078 Virginia Public Procurement Act; process for competitive negotiation; including employment of persons with a disability as a factor in evaluating proposals. Provides that, except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal.

Patron - Hope

P HB1098 Secretary of Administration; policy of the Commonwealth regarding employment of individuals with disabilities; report deadline. Changes the date by which the Secretary of Administration is required to submit the annual report regarding state employment of individuals with disabilities to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations from July 1 to September 1.

Patron - Carr

P HB1099 Procurement; rail. Exempts high-risk contracts for rail construction or design from required review by the Department of General Services prior to solicitation or award. The bill also raises the annual cap from \$2 million to \$5 million for contracts for on-call architectural and engineering

services by the Department of Rail and Public Transportation. The bill contains technical amendments.

Patron - Carr

P HB1100 State Inspector General; powers and duties. Provides that in order for the State Inspector General to refer a complaint alleging fraud, waste, abuse, or corruption by a public institution of higher education to the internal audit department of that institution, such institution must be (i) a covered institution as defined by the Restructured Higher Education Financial and Administrative Operations Act and (ii) classified as a Level 3 institution by the State Council of Higher Education for Virginia. A public institution of higher education that receives a complaint from the State Inspector General shall provide periodic updates on the status of investigations, whether they originated internally or were referred by the State Inspector General, and report annually to the State Inspector General on the results of all such investigations. The bill requires the State Inspector General to establish procedures governing the intake and investigation of complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency. At a minimum, the procedures must (a) provide for the State Inspector General, or his designee, to review each decision to dismiss an allegation reported to the State Fraud, Waste, and Abuse Hotline at the initial intake stage without further investigation; (b) require investigators designated by the State Inspector General to directly investigate allegations of serious administrative violations and provide for other agency internal audit divisions to investigate allegations meeting certain specified criteria, only if the internal audit division has demonstrated the ability to conduct investigations in an independent, effective, and timely manner; (c) require oversight by the Office of the State Inspector General of all investigations referred to other agencies to ensure quality, timeliness, and independence; and (d) develop a process for the regular review of the status of recommendations made by the Office of the State Inspector General. The bill also clarifies the duty of the State Inspector General to provide oversight of the Department of Behavioral Health and Developmental Services and community-based providers to identify system-level issues and conditions affecting quality of care and safety and provide recommendations to alleviate such issues and conditions. As introduced, this bill was a recommendation of the Joint Legislative Audit and Review Commission.

Patron - Carr

P HB1106 Health insurance program for local government employees; transit companies. Adds employees of a transit company to the definition of "employees of local governments" for the purposes of the Commonwealth's health insurance program for local government employees. The bill defines "transit company" as a public service corporation wholly owned by a locality, or combination of localities, that provides public transportation services.

Patron - Hudson

P HB1198 Virginia Board of Workforce Development; updates as a response to federal law. Amends current provisions regarding the Virginia Board of Workforce Development to align with federal law and gives the Board autonomy in making decisions on staffing needs and committee structures.

Patron - Tran

P HB1201 Virginia Public Procurement Act; determination of nonresponsibility; local option to include criteria in Invitation to Bid. Allows any locality to include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia

Department of Transportation is a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. This bill is identical to SB 380.

Patron - Tran

P HB1221 Department of Small Business and Supplier Diversity; one-stop small business permitting program; guidance regarding responsibilities for maintaining a business. Requires the Department of Small Business and Supplier Diversity to develop and provide guidance to businesses with newly approved permits regarding responsibilities and requirements for maintaining the business. The bill also requires regulatory agencies, by November 30 of each year, to provide the Department with information outlining any changes to the agency's policies and regulations. The bill has a delayed effective date of July 1, 2021.

Patron - Tran

P HB1226 Collection of debts by hospitals affiliated with public institutions of higher education. Prohibits the Virginia Commonwealth University Health System Authority and the University of Virginia Medical Center from participating in debt collection efforts pursuant to the Virginia Debt Collection Act or the Setoff Debt Collection Act unless all reasonable efforts have been made to determine if the individual with delinquent debt is eligible for financial assistance. The bill requires both hospitals to develop debt collection policies that adhere, at a minimum, to Internal Revenue Service policies regarding financial assistance by tax-exempt hospitals as they were in effect on January 1, 2020.

Patron - Tran

P HB1228 Fair Employment Contracting Act; sexual harassment policy. Requires contracting agencies that employ more than five employees and that enter into government contracts of over \$10,000 to include a provision in the contract requiring the contractor (i) to provide annual training on the contractor's sexual harassment policy to all supervisors and employees providing services in the Commonwealth, except such supervisors or employees that are required to complete sexual harassment training provided by the Department of Human Resource Management, and (ii) to post the contractor's sexual harassment policy in a conspicuous public place in each building located in the Commonwealth owned or leased by the contractor for business purposes and in the contractor's employee handbook.

Patron - Tran

P HB1246 Bonds for institutions of higher learning; emergency. Authorizes issuance of bonds in an amount up to \$279,470,000 for revenue-producing capital projects at institutions of higher learning. The bill contains an emergency clause and is identical to SB 580.

Patron - Torian

P HB1248 Timing of required submission of capital outlay bill. Requires the Governor to submit, in each legislative session, a prefiled bill with amendments to the current six-year capital outlay plan enacted into law. Under current law, the Governor is required to submit amendments by December 20. This bill is identical to SB 60.

Patron - Torian

P HB1269 Veterans Services Foundation. Provides that the board of trustees of the Veterans Services Foundation may be assisted in the administration of the Foundation by volunteers and staff members employed by the Executive Director. The bill also (i) adds agents and advisors to the composition of the Foundation membership; (ii) allows ex officio members who do not serve as the chairman of another board to serve as chairman of the board of trustees; (iii) specifies that individuals appointed to perform the duties of treasurer and secretary are ex officio, nonvoting officers of the board of trustees; (iv) provides that employment of agents, advisors, volunteers, or employees by the Executive Director is subject to the approval of the board of trustees; and (v) clarifies that the members of the board of trustees and employees of the Foundation are subject to the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

Patron - Helmer

P HB1271 Conveyance of right-of-way usage to certain nonpublic service companies. Allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. This bill is identical to SB 792.

Patron - Hodges

P HB1300 Virginia Public Procurement Act; statute of limitations on performance bonds; statute of limitations on construction contracts and architectural and engineering contracts. Provides that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. This bill incorporates HB 847 and is identical to SB 607.

Patron - Hurst

P HB1301 Office of the Children's Ombudsman established. Establishes the Office of the Children's Ombudsman as a means of effecting changes in policy, procedure, and legislation; educating the public; investigating and reviewing actions of the State Department of Social Services, local departments of social services, child-placing agencies, or child-caring institutions; and monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, treatment, and improvement of delivery of care to children in foster care and adoptive homes. The Office of the Children's Ombudsman is headed by the Children's Ombudsman, who is appointed for a term of four years by the Governor and subject to confirmation by the General Assembly. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Hurst

P HB1313 Chief Resilience Officer. Directs the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill directs the Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protec-

tion, to identify and monitor areas at the greatest risk from recurrent flooding; review and comment on plans for the construction or substantial reinforcement of a substantial flood defense or catchment area, at the request of the locality containing such defense or area; and initiate and assist with the pursuit of funding for resilience initiatives. The bill also expands the list of programs with which localities and the Commonwealth are required to coordinate as part of their flood control efforts.

Patron - Hodges

P HB1337 State and Local Government Conflict of Interests Act; disclosure by members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission. Requires the citizen members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission to file a financial disclosure statement as a condition of assuming office and thereafter annually on or before February 1. The bill requires the members to file their disclosure forms with the clerk of the governing body where the entity holds its principal office. The first disclosure form for the members is due on February 1, 2021.

Patron - Keam

P HB1354 Plastic Waste Prevention Advisory Council. Establishes in the executive branch of state government the Plastic Waste Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth, with the mission of eliminating plastic waste and contributing to the achievement of plastics packaging circular economy industry standards. The bill sunsets on June 30, 2023.

Patron - Plum

P HB1406 Commission for Historical Statues in the United States Capitol; replacement of Robert E. Lee statue in National Statuary Hall Collection. Creates the Commission for Historical Statues in the United States Capitol to determine whether the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol should be replaced and, if so, to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection. The Commission will consist of eight members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; three nonlegislative citizen members appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who serves ex officio with nonvoting privileges. The Department of Historic Resources will provide staff support to the Commission. The Commission will also be required to (i) select a sculptor for the new statue, with preference given to a sculptor from Virginia; (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony of the new statue; and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue. The bill requires the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and requires the costs of the Commission's work to be borne by the Commission from such private funds

as are collected by the Commission and general funds as are appropriated by the General Assembly. This bill incorporates HB 181 and is identical to SB 612.

Patron - Ward

HB1424 American Revolution 250 Commission; report. Establishes the American Revolution 250 Commission to plan, develop, and perform programs and activities to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States. The bill has an expiration date of July 1, 2027, and is identical to SB 407.

Patron - Krizek

HB1431 Art and Architectural Review Board; members; quorum. Increases from six to seven the number of members of the Art and Architectural Review Board by adding one citizen member appointed by the Governor from the Commonwealth at large and clarifies that all members appointed to the Board have voting privileges. The bill contains a technical amendment.

Patron - Mugler

HB1505 Department of Small Business and Supplier Diversity; small business grant funds. Repeals the Small Business Jobs Grant Fund Program. Under the bill, any cash balances in the Small Business Jobs Grant Fund will be transferred to the Small Business Investment Grant Fund. The bill also decreases the amount of an eligible grant under the Small Business Investment Grant Fund from the lesser of 50 percent of the qualified investment or \$50,000 to the lesser of 25 percent of the qualified investment or \$50,000. This bill received Governor's recommendations.

Patron - Jenkins

HB1519 Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; report; sunset. Creates the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans to (i) study the current impact and long-term inequities of slavery and the subsequent state-sanctioned de jure and de facto racial and economic discrimination practiced against African Americans and (ii) make recommendations to the General Assembly on appropriate remedies. The bill requires the Commission to annually submit a report on its interim activity and work to the Governor and the General Assembly. The bill has an expiration date of July 1, 2022.

Patron - McQuinn

HB1527 State and Local Government Conflict of Interests Act and Virginia Freedom of Information Act; training requirements; executive directors and members of industrial development authorities and economic development authorities. Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, to take training on the provisions of the State and Local Government Conflict of Interests Act and the Freedom of Information Act at least once every two years. The bill requires such officials in office on July 1, 2020, to complete such training no later than December 31, 2020. Training on the Virginia Freedom of Information Act may be provided online by the Virginia Freedom of Information Advisory Council or the local government attorney. Training on the State and Local Government Conflict of Interests Act shall be provided by the Virginia Conflict of Interest and Ethics Advisory Council and may be provided online. The clerk of the

respective governing body is responsible for maintaining training records. This bill is identical to SB 701.

Patron - Webert

HB1528 State and Local Government Conflict of Interests Act; disclosure by executive directors and members of industrial development authorities and economic development authorities; penalty. Requires the executive director and members of each industrial development authority and economic development authority, as created under the authority of the Industrial Development and Revenue Bond Act, to file a Statement of Economic Interests (SOEI) with the clerk of the local governing body as a condition to assuming office and thereafter annually on or before February 1. The first disclosure form for the executive director and members of each industrial development authority and economic development authority is due on August 1, 2020. Current law requires members of industrial development authorities and economic development authorities to file a Financial Disclosure Statement unless the governing body that appoints the members has required the members to file an SOEI. The bill makes the filing of an SOEI mandatory. Current law provides that any person who knowingly and intentionally makes a false statement of material fact on the SOEI is guilty of a Class 5 felony. This bill is identical to SB 703.

Patron - Webert

HB1587 Investment of public funds; ratings agencies. Allows ratings by Fitch Ratings to be used for determining whether certain investments are permissible for public funds. Under current law, only ratings by Standard & Poor's or Moody's Investors Service may be used. The bill contains technical amendments, including the removal of obsolete references to ratings by Duff & Phelps.

Patron - Hope

HB1597 GO Virginia grants; matching funds. Allows a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds for a GO Virginia grant award. No other state funds are authorized to be used as a source of matching funds. The provisions of the bill sunset on July 1, 2021.

Patron - Wampler

HB1602 Virginia Tourism Authority; Governor's New Airline Service Incentive Fund. Creates the Governor's New Airline Service Incentive Fund to be administered by the Virginia Tourism Authority to support the local, regional, national, and international airports in Virginia by providing the means for attracting new passenger air service routes by advertising and promoting new air service routes that would commence in Virginia. The bill provides that expenditures must be consistent with the commercial air service plan adopted by the Virginia Aviation Board. The bill requires that a grant from the Fund shall not be awarded if it can be reasonably anticipated to result in the reduction of existing commercial air service at another airport located within the Commonwealth. This bill is identical to SB 990.

Patron - Austin

HB1608 Fort Monroe Authority; exemption from the Virginia Personnel Act. Exempts the officers and employees of the Fort Monroe Authority from the provisions and requirements of the Virginia Personnel Act. This bill is identical to SB 980.

Patron - Mugler

SB60 Timing of required submission of capital outlay bill. Requires the Governor to submit, in each legislative session, a prefiled bill with amendments to the current six-year

capital outlay plan enacted into law. Under current law, the Governor is required to submit amendments by December 20. This bill is identical to HB 1248.

Patron - Hanger

SB127 Virginia Geographic Information Network Advisory Board; membership. Adds two county, city, town, or regional government geographic information system (GIS) directors or managers as members of the Virginia Geographic Information Network Advisory Board. This bill is identical to HB 117.

Patron - Suetterlein

SB138 Virginia Freedom of Information Act; FOIA officers; training and reporting requirements. Adds regional public bodies to the types of public bodies that must designate a FOIA officer. The bill also changes the frequency for required FOIA officer training from annually to once during each consecutive period of two calendar years and provides that the name and contact information of a FOIA officer trained by legal counsel of a public body only needs to be submitted by July 1 of the initial year of training and updated if there are changes to that information. Current law requires this information to be submitted by July 1 of each year. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Patron - Stuart

SB139 Virginia Freedom of Information Advisory Act; training requirements. Adds the option for in-person training sessions in addition to the current requirement of online training sessions for local elected officials provided by the Virginia Freedom of Information Advisory Council or a local government attorney. The bill also clarifies that "local elected officials" includes constitutional officers. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

Patron - Stuart

SB140 Virginia Freedom of Information Act; public institutions of higher education; information related to pledges and donations. 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 (i) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (ii) the pledge or donation does not impose terms or conditions directing academic decision-making. As introduced, the bill was a recommendation of the Virginia Freedom of Information Advisory Council. This bill is identical to HB 510.

Patron - Stuart

SB153 Virginia Freedom of Information Act; cost estimates; response time. Provides that if a requester asks for a cost estimate in advance of a Virginia Freedom of Information Act request, the time to respond is tolled for the amount of time that elapses between notice of the cost estimate and the response from the requester, and that if the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. The bill clarifies that if a cost estimate exceeds \$200 and the public body requires an advance deposit, the public body may require the requester to pay the advance deposit before the public body is required to process the request. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Patron - Stuart

SB182 Project labor agreements; public procurement. Authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. This bill received Governor's recommendations.

Patron - Saslaw

SB259 Virginia Freedom of Information Act; library records. Clarifies that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act. This bill is identical to HB 313.

Patron - Bell

SB269 Virginia Freedom of Information Act; exclusions; proprietary records and trade secrets; affordable housing loan applications. Excludes from mandatory disclosure financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. The bill also provides that such financial and proprietary records shall not be withheld after they have been made public by HUD or VHDA. This bill is identical to HB 722.

Patron - Bell

SB321 Department of Veterans Services; eligibility for veteran status under state and local laws; change in treatment of certain discharges. Provides that any person who was separated from active military, naval, or air service with an other than honorable discharge due solely to such person's sexual orientation or gender identity or expression may petition the Department of Veterans Services to have such discharge recorded with the Department as honorable. The bill provides that persons whose discharge status is changed pursuant to such petition shall be afforded the same rights, privileges, and benefits authorized by state law and local ordinances as any other veteran who was honorably discharged.

Patron - Lewis

SB341 Construction management contracts; use by local public bodies. Removes the provision limiting the use of construction management contracts by local public bodies to projects with a cost expected to exceed \$10 million and provides that construction management may be utilized on projects where the project cost is expected to be less than the project threshold established in the procedures adopted by the Secretary of Administration for using construction management contracts. This bill is identical to HB 890.

Patron - Locke

SB368 Virginia Public Procurement Act; architectural and professional engineering term contracts; limitations on project fees; localities. Decreases the population threshold from 78,000 to 50,000 for a locality to qualify for the exceptions from (i) the \$150,000 single-project fee limit for architectural and professional engineering term contracts and (ii) the \$750,000 annual aggregate total limit for all such projects.

Patron - Bell

P SB380 Virginia Public Procurement Act; determination of nonresponsibility; local option to include criteria in Invitation to Bid. Allows any locality to include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. This bill is identical to HB 1201.

Patron - McPike

P SB403 Department of General Services; Division of Engineering and Buildings; custody, control, and supervision of the Virginia War Memorial Carillon. Places full custody, control, and supervision of the Virginia War Memorial Carillon in the Division of Engineering and Buildings by repealing provisions of the Code that give the City of Richmond responsibility for the upkeep of the Carillon and authority over its use.

Patron - Hashmi

P SB406 Environmental justice; policy. Provides that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth. This bill is identical to HB 704. This bill received Governor's recommendations.

Patron - Hashmi

P SB407 American Revolution 250 Commission; report. Establishes the American Revolution 250 Commission to plan, develop, and perform programs and activities to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States. The bill has an expiration date of July 1, 2027, incorporates SB 714, and is identical to HB 1424.

Patron - Hashmi

P SB448 Public institutions of higher education; contracting firms; president of the institution; delegation. Allows a president of a public institution of higher education to delegate to an officer or administrator of the institution his obligation to determine and make a written finding as a matter of public record that a contract is in the best interests of the institution when an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$5,000 per year.

Patron - Edwards

P SB487 Virginia Public Procurement Act; architectural and professional engineering term contracts; limitations. Increases the aggregate limit for architectural and engineering services contracts (i) for localities for projects performed in a one-year contract term from \$6 million to \$8 million and (ii) for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$8 million.

Patron - Bell

P SB563 Department of General Services; public posting of contract information on central electronic procurement system. Provides for the Department of General Services to post on its central electronic procurement system awarded contracts and any modifications to such contracts. The bill also requires agencies that use the Department's central procurement website to post the same information and provides that any contract awarded pursuant to an Invitation to Bid or a Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency, shall be posted on the Department's central electronic procurement system. The bill requires a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining to be posted on the Department's central electronic procurement system, along with the original contract and any previous modifications. This bill is identical to HB 544.

Patron - Ruff

P SB576 Research and development in the Commonwealth. Creates the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth. The Authority is governed by an 11-member Board, consisting of the Secretary of Commerce and Trade, six non-legislative members appointed by the Governor, and four non-legislative citizen members appointed by the Joint Rules Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments. This bill is identical to HB 1017.

Patron - Howell

P SB577 Capital outlay plan. Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Patron - Howell

P SB580 Bonds for institutions of higher learning; emergency. Authorizes issuance of bonds in an amount up to \$279,470,000 for revenue-producing capital projects at institutions of higher learning. The bill contains an emergency clause and is identical to HB 1246.

Patron - Howell

P SB601 Legal holidays; Lee-Jackson Day; 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. This bill is identical to HB 108.

Patron - Lucas

P SB607 Virginia Public Procurement Act; statute of limitations on performance bonds; statute of limitations on construction contracts and architectural and engineering contracts. Provides that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later

than 12 months from the date of the certificate of occupancy or written final acceptance of the project. This bill incorporates SB 195 and is identical to HB 1300.

Patron - Norment

P SB612 Commission for Historical Statues in the United States Capitol; replacement of Robert E. Lee statue in National Statuary Hall Collection. Creates the Commission for Historical Statues in the United States Capitol to determine whether the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol should be replaced and, if so, to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

The Commission will consist of eight members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; three nonlegislative citizen members appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who serves ex officio with nonvoting privileges. The Department of Historic Resources will provide staff support to the Commission.

The Commission will also be required to (i) select a sculptor for the new statue, with preference given to a sculptor from Virginia; (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony of the new statue; and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.

The bill requires the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and requires the costs of the Commission's work to be borne by the Commission from such private funds as are collected by the Commission and general funds as are appropriated by the General Assembly. This bill is identical to HB 1406.

Patron - Lucas

P SB650 Virginia Public Procurement Act; small purchases. Increases from \$100,000 to \$200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also removes outdated provisions related to informal solicitations required to be posted on the Department of General Services' central electronic procurement website. This bill is identical to HB 452.

Patron - Boysko

P SB701 State and Local Government Conflict of Interests Act and Virginia Freedom of Information Act; training requirements; executive directors and members of industrial development authorities and economic development authorities. Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, to take training on the provisions of the State and Local Government Conflict of Interests Act and the Freedom of Information Act at least once every two years. The bill requires such officials in office on July 1, 2020, to complete such training no later than December 31, 2020.

Training on the Virginia Freedom of Information Act may be provided online by the Virginia Freedom of Information Advisory Council or the local government attorney. Training on the State and Local Government Conflict of Interests Act shall be provided by the Virginia Conflict of Interest and Ethics Advisory Council and may be provided online. The clerk of the respective governing body is responsible for maintaining training records. This bill is identical to HB 1527.

Patron - Obenshain

P SB703 State and Local Government Conflict of Interests Act; disclosure by executive directors and members of industrial development authorities and economic development authorities; penalty. Requires the executive director and members of each industrial development authority and economic development authority, as created under the authority of the Industrial Development and Revenue Bond Act, to file a Statement of Economic Interests (SOEI) with the clerk of the local governing body as a condition to assuming office and thereafter annually on or before February 1. The first disclosure form for the executive director and members of each industrial development authority and economic development authority is due on August 1, 2020. Current law requires members of industrial development authorities and economic development authorities to file a Financial Disclosure Statement unless the governing body that appoints the members has required the members to file an SOEI. The bill makes the filing of an SOEI mandatory. Current law provides that any person who knowingly and intentionally makes a false statement of material fact on the SOEI is guilty of a Class 5 felony. This bill is identical to HB 1528.

Patron - Obenshain

P SB712 Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief. The bill contains technical amendments and is identical to HB 827.

Patron - McClellan

P SB792 Conveyance of right-of-way usage to certain nonpublic service companies. Allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. This bill is identical to HB 1271.

Patron - Lewis

P SB868 Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity. Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrim-

ination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments. This bill incorporates SB 66 and SB 159.

Patron - Ebbin

P SB877 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 of the Office of the Secretary of Technology related to commercialization and entrepreneurial support to the Secretary of Commerce and Trade. The bill contains technical amendments.

Patron - Locke

P SB948 Conveyance and transfers of real property by state agencies; Department of Military Affairs; lease of state military reservation property. Provides that, subject to general provisions governing the lease of property owned by the Commonwealth by state agencies, the Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property to governmental or private entities when it is deemed to be in the Department's best interest to (i) provide necessary services such as lodging, training capabilities, or logistical utility services that support the Department's mission or (ii) maintain a peripheral buffer with compatible uses, including ground parking leases. The term of such lease may not exceed 50 years; however, any agreement may be extended upon the written recommendation of the Governor and the approval of the General Assembly. In the event that the Department enters into a written lease with a private individual, firm, corporation, or other entity, neither the real property that is the subject of the lease nor any improvements or personal property located on the real property that is the subject of the lease shall be subject to taxation by any local government authority, provided that the real property, improvements, or personal property is used for a purpose consistent with or supporting the Department's mission.

Patron - Reeves

P SB963 Energy efficiency in state buildings. Requires the head of each state agency to designate an existing employee, known as an energy manager, who shall be respon-

sible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency.

Patron - Surovell

P SB980 Fort Monroe Authority; exemption from the Virginia Personnel Act. Exempts the officers and employees of the Fort Monroe Authority from the provisions and requirements of the Virginia Personnel Act. This bill is identical to HB 1608.

Patron - Locke

P SB990 Virginia Tourism Authority; Governor's New Airline Service Incentive Fund. Creates the Governor's New Airline Service Incentive Fund to be administered by the Virginia Tourism Authority to support the local, regional, national, and international airports in Virginia by providing the means for attracting new passenger air service routes by advertising and promoting new air service routes that would commence in Virginia. The bill provides that expenditures must be consistent with the commercial air service plan adopted by the Virginia Aviation Board. The bill requires that a grant from the Fund shall not be awarded if it can be reasonably anticipated to result in the reduction of existing commercial air service at another airport located within the Commonwealth. This bill incorporates SB 984 and is identical to HB 1602.

Patron - Edwards

Failed

F HB21 Virginia Human Rights Act; prohibited discrimination; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also creates a cause of action if any person employed by an employer who employs more than five but fewer than 15 persons is discharged by such employer on the basis of sexual orientation or gender identity. The bill defines "sexual orientation" and "gender identity." The bill contains technical amendments and was incorporated into HB 1663.

Patron - Lindsey

F HB23 Prohibited discrimination in public employment and housing; sexual orientation or gender identity. Prohibits discrimination in public employment on the basis of sexual orientation or gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill 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." This bill was incorporated into HB 1663.

Patron - Lindsey

F HB24 Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020; report. Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020, which establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and mainte-

nance. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support 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 civil works storm and flooding risk reduction projects. The bill requires JLARC to report to the General Assembly no later than November 1, 2020, on the results of its initial assessment.

Patron - Lindsey

F HB107 Department of Human Resource Management; health insurance for local school board employees. Allows local school boards to elect to have all of their employees and retirees, as well as the dependents of such employees and retirees, be eligible to participate in the state employee health insurance plan in lieu of the current state-administered local health insurance plan. Any participating local school board shall be responsible for whatever portion of the cost of such insurance is not paid by the employee, except any portion that the General Assembly elects to pay.

Patron - Kilgore

F HB122 Project labor agreements; public procurement. Authorizes any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. This bill was incorporated into HB 358.

Patron - Carroll Foy

F HB131 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, 2022.

Patron - Webert

F HB133 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 data to the contracting state agency under certain terms and for a period of seven years.

Patron - Miyares

F HB140 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 for, charged with, or convicted of any crime. A prospective employee may not be asked if he has ever been

arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. This bill was incorporated into HB 757.

Patron - Davis

F HB181 Commission for Historical Statues in the United States Capitol; removal of Robert E. Lee statue from National Statuary Hall Collection. Creates the Commission for Historical Statues in the United States Capitol to provide for the removal of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

The Commission will consist of six members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; one nonlegislative citizen member appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who serves ex officio with nonvoting privileges. The Department of Historic Resources will provide staff support to the Commission.

The Commission will also be required to (i) select a sculptor for the new statue, with preference given to a sculptor from Virginia; (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony of the new statue; and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.

The bill requires the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and requires the costs of the Commission's work to be borne by the Commission from such private funds as are collected by the Commission and general funds as are appropriated by the General Assembly.

This bill was incorporated into HB 1406.

Patron - Levine

F HB222 Department of Human Resource Management; total compensation statement. Requires the Department of Human Resource Management to develop a total compensation statement for each employee in the service of the Commonwealth to be distributed annually to the employee by hard copy. The bill requires the statement to provide the total value of all compensation provided by the Commonwealth to the employee, including medical benefits, health premium awards, life insurance, flexible spending accounts, bonuses, disability benefits, employee assistance programs, deferred compensation, and retirement benefits.

Patron - McNamara

F HB321 Virginia Freedom of Information Act; electronic meetings; serious medical condition of immediate family member. Allows a public body to conduct a meeting through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that he is unable to attend due to a serious medical condition of an immediate family member that prevents the member's physical attendance. The bill also limits such participation in an electronic meeting due to a personal matter to either two meetings per calendar year or 10 percent of the meetings held that calendar year, rounded up to the nearest whole number, whichever is greater.

Patron - Levine

F HB359 Virginia Public Procurement Act; consideration of best value concepts for construction services. Permits public bodies to consider best value concepts when procuring construction services. Under current law, public bodies may consider best value concepts only when procuring goods and nonprofessional services.

Patron - Lopez

F HB407 Virginia Public Procurement Act; failure to pay unemployment taxes. Prohibits state agencies from contracting for goods and services from a nongovernmental source if that source, or any affiliate of the source, is required to remit unemployment taxes but fails or refuses to do so. The measure requires the Virginia Employment Commission to make a determination of whether a source is a prohibited source for failure or refusal to remit unemployment taxes and permits any aggrieved source to apply to the Commissioner of the Virginia Employment Commission for correction of the determination. 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

F HB467 Virginia Public Procurement Act; cooperative procurement; construction. Allows public bodies to utilize cooperative procurement for construction projects not exceeding \$200,000.

Patron - Keam

F HB472 Department of Small Business and Supplier Diversity; Virginia Small Business Financing Authority; Small Business Investment Grant Fund; scoring system. Provides that the Virginia Small Business Financing Authority shall develop and utilize a scoring system based on project characteristics and other criteria as determined by the Authority to (i) award grants under the Small Business Investment Grant Fund and (ii) set the reimbursement rate for each grant award. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

Patron - Runion

F HB524 Register of volunteer cybersecurity and information technology professionals. Directs the Secretary of Administration to establish a register of cybersecurity and information technology professionals interested in volunteering to assist localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

Patron - Subramanyam

F HB591 Legal holidays; Indigenous Peoples Day. Removes official state observation of Columbus Day and replaces it with observation of Indigenous Peoples Day, honor-

ing the historic, cultural, and contemporary significance of indigenous peoples.

Patron - Guzman

F HB601 Administrative Process Act; review of occupational regulations. Creates a procedure by which a person may petition an agency to review whether an existing occupational regulation is necessary for the protection or preservation of the health, safety, and welfare of the public and meets other statutorily enumerated criteria. The bill also creates a cause of action whereby any person who is adversely affected or aggrieved by an occupational regulation that such person believes is not necessary for the protection or preservation of the health, safety, and welfare of the public or does not meet other statutorily enumerated criteria may seek judicial review of such regulation. The bill provides that the burden of proof shall be upon the party complaining of the occupational regulation to demonstrate by a preponderance of the evidence that the challenged occupational regulation on its face or in its effect burdens the entry into or participation in an occupation and, thereafter, the burden shall be upon the agency to demonstrate by a preponderance of the evidence that the challenged occupational regulation is necessary to protect or preserve the health, safety, and welfare of the public and complies with certain other statutorily enumerated requirements. The bill provides that if the court finds in favor of the party complaining of the agency action, the court shall declare the regulation null and void.

Patron - Freitas

F HB609 Virginia Freedom of Information Act; applicability to certain records of the Office of Executive Secretary and judicial officers; duties of Executive Secretary to the Supreme Court. Provides that for the purposes of the provisions of the Virginia Freedom of Information Act that are applicable to access to public records, the Office of Executive Secretary to the Supreme Court shall be considered a public body and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records. The bill clarifies that the public records provisions of the Freedom of Information Act do not apply to judicial officers or information created or maintained on behalf of judicial officers, but do apply to any administrative records of judicial officers that are maintained by the Office of Executive Secretary and unrelated to a record created, collected, received, or maintained in connection with a particular case. The bill also adds to the duties of the Executive Secretary a role as custodian of records of administrative functions performed by persons employed by him or acting under his direction and of aggregated data regarding Virginia courts that may be obtained from systems maintained by his office. Finally, the bill directs the Supreme Court of Virginia to revise the rules of practice and procedure as necessary to comply with the provisions provided for in the bill. This bill was incorporated into HB 671.

Patron - Miyares

F HB630 Registered lobbyists; sexual harassment training. Requires lobbyists registered with the Secretary of the Commonwealth to complete the sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate once every two calendar years. The bill requires lobbyists to provide a certificate of completion of the training that is not more than two years old to the Virginia Conflict of Interest and Ethics Advisory Council in order to complete their registrations. The bill has a delayed effective date of May 1, 2021, to coincide with the start of the 2021-2022 lobbying year.

Patron - Hurst

F HB658 Commission to Investigate the May 31, 2019, Virginia Beach Mass Shooting; report. Establishes an independent commission to investigate the May 31, 2019, Virginia Beach mass shooting (the Commission). The Commission consists of 21 members appointed as follows: five members appointed by the Speaker of the House of Delegates, five members appointed by the Senate Committee on Rules, and 10 members appointed by the Governor. The Superintendent of State Police serves *ex officio* as a nonvoting member. The Commission is charged with investigating the underlying motive for the May 31, 2019, Virginia Beach mass shooting, investigating the gunman's entire prior employment history with the City of Virginia Beach and his interactions with coworkers and supervisors, determining how the gunman was able to carry out his actions, identifying any obstacles confronted by first responders, identifying and examining the security procedures and protocols in place immediately prior to the shootings, examining the post-shooting communications between law enforcement and families of the victims, and developing recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems, and institutions, as well as those of other governmental agencies and private providers.

The Office of the State Inspector General or such other person or entity under the Secretary of Public Safety and Homeland Security staffs the Commission, as designated by the Governor. The expenses of the Commission are paid from existing appropriations to the Office of the State Inspector General or any agency under the Secretary, as determined by the Governor. The Commission has a sunset date of November 1, 2022.

Patron - Convirs-Fowler

F HB671 Virginia Freedom of Information Act; applicability to certain records of the Office of Executive Secretary and judicial officers; duties of Executive Secretary to the Supreme Court. Provides that for the purposes of the provisions of the Virginia Freedom of Information Act that are applicable to access to public records, the Office of Executive Secretary to the Supreme Court shall be considered a public body and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records. The bill clarifies that the public records provisions of the Freedom of Information Act do not apply to judicial officers or information created or maintained on behalf of judicial officers, but do apply to any administrative records of judicial officers that are maintained by the Office of Executive Secretary and unrelated to a record created, collected, received, or maintained in connection with a particular case. The bill also adds to the duties of the Executive Secretary a role as custodian of records of administrative functions performed by persons employed by him or acting under his direction and of aggregated data regarding Virginia courts that may be obtained from systems maintained by his office. Finally, the bill directs the Supreme Court of Virginia to revise the rules of practice and procedure as necessary to comply with the provisions provided for in the bill. This bill incorporates HB 609.

Patron - Mullin

F HB680 Virginia Public Procurement Act; information technology project services contracts; behind schedule; verification of work. Requires that all state agencies include in every written contract for information technology project services contracts provisions that the agency is not required to pay for hours worked on a computer and billed by the hour on a project that (i) is more than one year behind on any scheduled contract performance dates or actual completion dates or (ii) has costs in excess of \$1 million over the initial

term of the contract, unless such hourly work is verified as legitimate by automatic billing verification software meeting certain standards. Any data collected by automatic billing verification software is considered accounting records belonging to the contractor; however, no contractor is permitted to sell or transfer such data or use it for any purpose or in any manner other than to verify and manage the hours worked on the associated contract and billed to the agency. The bill exempts from the contract provision and data collection requirement any (i) contracts (a) between state agencies, (b) with any law-enforcement agency, or (c) with any agency that is the custodian of criminal justice information as defined in the Federal Bureau of Investigation's Criminal Justice Information Services Division's Security Policy and (ii) work performed (a) by a state employee or (b) on a state-owned device.

Patron - LaRock

F HB685 Virginia Public Procurement Act; preference for contractors using automatic billing verification software. Requires that, for any bid on a contract (i) in excess of \$500,000 and (ii) requiring work to be performed using a computer, all state agencies give preference to responsive and responsible bidders that agree to verify the hours worked on the associated contract and billed to the agency by using automatic billing verification software that meets certain standards. The bill provides that any data collected by such automatic billing verification pursuant to a contract with a state agency is considered accounting records belonging to the contractor; however, contractors are prohibited from selling or transferring such data or using it for any other purpose or manner other than to verify and manage the hours worked on the associated contract and billed to the agency. Work performed by a state employee or on a state-owned device and contracts with any law-enforcement agency or with any agency that is the custodian of criminal justice information, as defined in the Federal Bureau of Investigation's Criminal Justice Information Services Division's Security Policy, are exempted from the provisions of this bill.

Patron - LaRock

F HB777 Duties of the Executive Secretary to the Supreme Court. Adds to the duties of the Executive Secretary to the Supreme Court that he be custodian of records of administrative functions performed by persons employed by him or acting under his direction and of aggregated data regarding Virginia courts that may be obtained from systems maintained by his office.

Patron - Mullin

F HB847 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 completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of war-

ranty that gave rise to the action. The bill contains technical amendments. This bill was incorporated into HB 1300.

Patron - Runion

F **HB850 Virginia Jobs Investment Program.** Requires the Virginia Economic Development Partnership Authority to develop a scoring system to identify high-impact projects to use in the awarding of funds pursuant to the Virginia Jobs Investment Program. The bill also requires companies that receive workforce retraining funding to submit data to the Authority regarding credentials and wage increases received by trained employees.

Patron - Runion

F **HB866 Administrative Process Act; regulations; public notice and economic impact; prohibition on certain regulations.** Requires that an agency prepare a detailed notice of intended regulatory action for any regulation that it plans to promulgate. Prior to publication of the notice with the Registrar of Regulations, the notice of intended regulatory action must be submitted to the Attorney General for a determination as to whether the agency has the explicit authority to promulgate the regulation as proposed in the notice of intended regulatory action. The Attorney General must report the notice of intended regulatory action and its determination to the Governor who may approve the notice of intended regulatory action. Within 10 days after publication by the Registrar of a notice of intended regulatory action for a proposed regulation, either the chairman or vice-chairman of the Joint Commission on Administrative Rules may submit a written directive to the agency that prepared the notice for the agency to hold a preliminary public hearing and comment period on the notice of intended regulatory action. The bill prescribes requirements for the conduct of such public hearings on regulatory matters. The bill requires the Department of Planning and Budget to prepare an economic impact analysis of the proposed regulation that includes a qualitative analysis of the regulation and a detailed quantitative analysis of the impact of the regulation which must include the implementation and compliance costs that are reasonably expected to be incurred by or passed along to the businesses, localities, and individuals that may be affected by the proposed regulation. The Department of Planning and Budget must also provide a determination as to whether \$10 million or more in implementation and compliance costs are reasonably expected to be incurred by or passed along to businesses, localities, and individuals over any two-year period as a result of the proposed regulation. After the Department of Planning and Budget submits an economic impact analysis for a proposed regulation to the legislature but before the agency submits the proposed regulation for final approval by the Governor, the chairman or vice-chairman of the Joint Commission on Administrative Rules may request an independent economic impact analysis to be prepared by the Joint Legislative Audit and Review Commission for the proposed regulation. The Department of Planning and Budget is required to provide a detailed explanation of any variance between estimates in the two economic impact analyses. If either economic impact analysis indicates \$10 million or more in implementation and compliance costs, the agency proposing the regulation must stop work on the proposed regulation until the regulation is modified to reduce its costs to below the \$10 million threshold, or a bill is enacted explicitly allowing the regulation to proceed.

Patron - Freitas

F **HB957 Virginia Cyber Initiative Act.** Directs the Virginia Information Technologies Agency to work with public and private institutions of higher education, state agencies, and businesses in the Commonwealth to develop a cyber alliance, to be known as the Virginia Cyber Initiative, to reduce cyber risks and encourage economic development in the cybersecu-

rity field. The bill also creates the Virginia Cyber Initiative Fund for the purposes of improving cybersecurity and the economy of the Commonwealth through (i) improving cyber infrastructure, (ii) increasing the focus on cyber job-creating research activities, and (iii) expanding cyber job-creating research activities toward producing more knowledge-based and high-technology cyber jobs in the Commonwealth.

Patron - Ayala

F **HB1027 Opioid addiction treatment pilot program.** Requires the Department of Behavioral Health and Developmental Services (the Department), in partnership with community services boards, a hospital licensed in the Commonwealth, and telemedicine networks, to establish a two-year pilot program in Planning District 12 designed to provide comprehensive treatment and recovery services to uninsured or underinsured individuals suffering from opioid addiction or opioid-related disorders. The bill requires the Department and its partners to collaborate with a work group established by the Department of interested stakeholders to develop the pilot program.

Patron - Adams, L.R.

F **HB1050 Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity.** Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment and credit on the basis of sexual orientation or gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran and adds discrimination on the basis of an individual's sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, or status as a veteran as an unlawful housing practice. The bill contains technical amendments. This bill was incorporated into HB 1663.

Patron - Levine

F **HB1159 Black Women's Heritage Month.** Designates the month of June as Black Women's Heritage Month in Virginia to focus on and celebrate the myriad achievements and contributions of African American women throughout the history of the Commonwealth and the United States.

Patron - Cole, J.G.

F **HB1160 Juneteenth.** Recognizes the nineteenth day of June of each year as Juneteenth in commemoration of the announcement of the abolition of slavery in Texas, the last of the former Confederate States of America to abolish slavery, and in recognition of the significant roles and many contributions of African Americans to the Commonwealth and the nation.

Patron - Cole, J.G.

F **HB1189 Coal and Energy Worker Relief Task Force.** Establishes the Coal and Energy Worker Relief Task Force for the purpose of assisting Virginia residents whose employment by a business related to the exploration for or the extraction, processing, or transportation of coal or natural gas terminates pursuant to the employer's complete or partial closure. The purposes of the Task Force are to (i) provide a single point of contact for displaced coal and energy workers; (ii) direct resources of the Virginia Employment Commission, state and regional workforce systems, the Department of Social Services, and Virginia's community colleges to areas where coal or energy operations have ceased or reduced operations; and (iii) develop a package of assistance measures that is scalable and transferable across the Commonwealth.

Patron - Wampler

F **HB1200 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 of one or more persons who engages in unlawful discrimination against any employee on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions, including lactation. The bill also creates a cause of action against any employer of one or more persons who unlawfully discriminates 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. 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 have occurred on or after July 1, 2020. This bill was incorporated into HB 1663.

Patron - Tran

F **HB1202 Project labor agreements; public procurement by local governments.** Authorizes any local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. This bill was incorporated into HB 358.

Patron - Tran

F **HB1203 Prevailing wage; public works contracts with localities; penalty.** Requires contractors and subcontractors under any public contract with a locality for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to

such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts until full restitution has been paid to the individuals.

Patron - Tran

F **HB1247 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Patron - Torian

F **HB1264 Conveyance of right-of-way usage to certain nonpublic service companies.** Allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network.

Patron - Hodges

F **HB1281 Disposition of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute.** Authorizes the Governor to lease a portion of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute to Smyth County for a term of three years. The bill also corrects tax map references contained in Chapter 678 of the Acts of Assembly of 2019, which also involved conveyances of property in Smyth County.

Patron - O'Quinn

F **HB1305 Department of General Services; removal of Harry F. Byrd, Sr., statue.** Directs the Department of General Services to remove the statue of former Virginia Governor and U.S. Senator Harry F. Byrd, Sr., from Capitol Square.

Patron - Walker

F **HB1311 Virginia Public Procurement Act; contracts with state agencies for public works; agreements with labor organizations.** Repeals provisions requiring state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) requires or prohibits bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminates against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or related public works projects. This bill was incorporated into HB 358.

Patron - Kory

F **HB1314 Chief Resiliency Officer.** Directs the Secretary of Public Safety and Homeland Security to designate a Chief Resiliency Officer. The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill adds the Chief Resiliency Officer as a member of the Secure and Resilient Commonwealth Panel.

Patron - Hodges

F **HB1377 Architectural and engineering contracts; certain localities.** Exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for

work regarding highways and bridges. Current law exempts the Commissioner of Highways from such limitations.

Patron - LaRock

[F] HB1398 Virginia Public Procurement Act; historic landmarks; preference for goods and services from the United States. Provides that, in determining the award of any contract for maintenance, renovation, repair, or reconstruction of any property designated as a historical landmark by the Board of Historic Resources or any contract for goods or services incidental to such maintenance, renovation, repair, or reconstruction, a public body shall give preference to goods produced or services provided by persons located in the United States or any of its territories, so long as the bid price on such goods or of such person is not more than 20 percent greater than the bid price on goods produced or of a low responsive and responsible bidder located outside of the United States or any of its territories.

Patron - Rush

[F] HB1418 Virginia Human Rights Act; workplace harassment; civil actions by private parties. Creates a cause of action against any employer employing more than five employees who discharges or engages in an unlawful discriminatory act against any employee on the basis of race; color; religion; national origin; sex; sexual orientation; gender identity; pregnancy; childbirth or related medical conditions, including lactation; marital status; status as a veteran; or age, if the employee is 40 years of age or older. The bill permits a court, in cases where the employee prevails, to award compensatory or punitive damages and reasonable attorney fees and costs. The bill provides rules for determining whether conduct constitutes workplace harassment, defined in the bill, and lays out a number of factors to consider in determining whether conduct constitutes workplace harassment.

Patron - Watts

[F] HB1488 Virginia Public Procurement Act; definitions; best value; clarification. Amends the definition of best value in the Virginia Public Procurement Act.

Patron - Hudson

[F] HB1504 Investment of funds in corporate notes. Provides for investment of funds in corporate notes by public bodies.

Patron - Freitas

[F] HB1512 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. This bill was incorporated into HB 1663.

Patron - McQuinn

[F] HB1525 Tribal Land Repatriation Program and Fund created. Establishes the Tribal Land Repatriation Program and Fund, administered by the Secretary of the Commonwealth, for the purpose of funding grants to Indian tribes for purchase and repatriation of land. The bill defines "tribe" as the Mattaponi, Pamunkey, Chickahominy, Eastern Chickahominy, Rappahannock, Upper Mattaponi, Nansemond, Monacan Indian Nation, Cheroenhaka (Nottoway), Nottoway of Virginia, Patowomeck, or any other Indian tribe recognized by the federal government or by the Commonwealth. The bill directs the Secretary to develop an application process by which tribes may apply for grants from the Fund and to develop criteria for

the monetary amount of grants to be awarded from the Fund. The Secretary would issue grants on a pro rata basis based on the amount in the Fund.

Patron - Krizek

[F] HB1617 Group Violence Intervention Board; Division of Group Violence Intervention; Project Ceasefire Grant Fund; Project Exile Grant Fund. Establishes the Group Violence Intervention Board to coordinate and assist federal, state, and local group violence intervention efforts. The bill also establishes within the Department of Criminal Justice Services (the Department) the Division of Group Violence Intervention (the Division), to be headed by an executive director appointed by the Director of the Department. The bill provides that the Division is responsible for (i) coordinating the efforts of members of state and local law enforcement, community members, and social services providers to combat group violence; (ii) serving as a clearinghouse for research, best practices, and strategies that may be utilized in the implementation, execution, and evaluation of group violence interventions; and (iii) implementing and administering various federal, state, and local grant funds that aid group violence intervention efforts. Finally, the bill creates the Project Ceasefire Grant Fund, which provides money to organizations that are involved in group violence intervention efforts, and creates the Project Exile Grant Fund, which provides money to organizations that assist former gang members or individuals attempting to leave gangs.

Patron - Miyares

[F] HB1663 Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity. Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments. This bill incorporates HB 3, HB 21, HB 23, HB 217, HB 1050, HB 1200, and HB 1512.

Patron - Sickles

[F] HB1709 Department of Small Business and Supplier Diversity; Virginia Public Procurement Act; definition of small business; LGBT-owned business. Amends the definition of small business to include LGBT-owned businesses, defined in the bill, for purposes of programs adminis-

tered by the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

Patron - Heretick

F HB1723 Firearm safety. Designates the last full week in September each year as Firearm Safety Awareness Week in Virginia. The bill also creates a sales tax holiday the last weekend in September for firearm safety items.

Patron - Davis

F SB23 Prohibited discrimination; sexual orientation and gender identity. Prohibits discrimination in employment and public accommodations 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 - Ebbin

F SB159 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. This bill was incorporated into SB 868.

Patron - Boysko

F SB162 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 - Spruill

F SB180 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

F SB195 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 completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. This bill was incorporated into SB 607.

Patron - Cosgrove

F SB206 Virginia-Korea Advisory Board; report. Establishes a nine-member Virginia-Korea Advisory Board in the executive branch of state government to advise the Governor on ways to improve mutually beneficial trade relationships between the Commonwealth and the Republic of Korea (South Korea), with a focus on the areas of commerce and trade, art and education, and government. The bill provides that the Board sunsets on July 1, 2023.

Patron - Petersen

F SB322 State Employee Ombudsman. Creates the position of State Employee Ombudsman to provide assistance to state employees in understanding human resources policies and rules and accessing available benefits, programs, and resources.

Patron - Lewis

F SB369 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

F SB383 Lobbying; notification to local clerk; penalty. Requires an individual who is compensated to influence or attempt to influence a local government officer or employee regarding local government action to provide notice of such status to the clerk of the local governing body of the county, city, or town in which the officer or employee serves. The bill requires the notice to be provided to the clerk within 15 days after first communicating or attempting to communicate with a local government officer or employee, along with a \$25 fee to be deposited in the general fund of the locality. The notice shall include the name, telephone number, and business address of the compensated individual and shall identify the local government action for which approval is sought. All notices shall expire one calendar year after being filed with a local clerk. The bill requires the notice to be kept as a public record by the clerk for five years. A violation of this requirement is a Class 1 misdemeanor.

Patron - McPike

F SB418 Virginia Public Procurement Act; cooperative procurement; construction. Allows public bodies to utilize cooperative procurement for construction projects not exceeding \$200,000.

Patron - Petersen

F SB458 Microloans for Veterans Program and Fund; creation and administration. Creates the Microloans for Veterans Program and Fund to be administered by the Virginia Small Business Financing Authority (the Authority). The bill directs the Virginia Community College System, working with the Authority and other state agencies, to develop a curriculum to provide education and mentorship to veterans. The Authority is authorized to issue loans of up to \$10,000 to veterans who agree to participate in such curriculum and meet other requirements (tier 1 loans). The Authority is authorized to issue loans of up to \$50,000 to veterans who have completed the requirements associated with a tier 1 loan and agree to meet advanced education and mentorship requirements (tier 2 loans). The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Reeves

F SB475 Virginia Public Procurement Act; use of best value contracting; construction and professional services. Authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth in the bill.

Patron - Bell

F SB476 Risk management plan; coverage for injury or death on public school or college property; concealed handgun prohibition. Provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of any person who is injured or killed upon any buildings, grounds, or properties owned or leased by a public elementary or secondary school or institution of higher education as a result of the criminal act of a third party if an armed security officer was not present on the premises and the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000.

Patron - Chase

F SB477 Risk management plan; coverage for injury or death on state property; concealed handgun prohibition. Provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of any person who is injured or killed upon any buildings, grounds, or properties owned or leased by the Commonwealth as a result of the criminal act of a third party if an armed security officer was not present on the premises and the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the

actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000.

Patron - Chase

F SB508 Department of Human Resource Management; local option health insurance plan; brand-name medications. Provides for the local option health insurance plan developed by the Department of Human Resource Management to include coverage for brand-name medications rather than generic medications if deemed necessary by the treating physician.

Patron - Deeds

F SB518 Changing the Commonwealth's biennial appropriations to begin in odd-numbered years. Provides that the Commonwealth's biennial appropriations start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2023, through June 30, 2025. The bill requires that the fiscal year beginning July 1, 2022, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget).

Patron - McDougle

F SB526 Budget bill; broadband and economic development. Requires the Governor to include in the budget bill recommended appropriations for initiatives that promote and develop broadband infrastructure comparable to or greater than any recommended appropriations for economic development.

Patron - McDougle

F SB635 Right to reproductive choice. Provides that every individual has a fundamental right to choose or refuse contraception and that a pregnant person has a fundamental right to choose to carry a pregnancy to term, give birth to a child, or terminate a pregnancy. The bill states that the Commonwealth shall not, in the regulation or provision of benefits, facilities, services, or information, deny or interfere with an individual's fundamental rights, including individuals under state control or supervision. The bill states that any state or local official who is charged with violating provisions of this section shall be subject to an action in federal or state court for injunctive relief and damages. Such action may be brought by any person or entity that may be aggrieved by such official's actions.

Patron - Surovell

F SB639 Virginia Growth and Opportunity Fund; regional grant awards. Requires that at least 25 percent of grants received by a region from the Virginia Growth and Opportunity Fund be used to support the creation of jobs in qualified opportunity zones in the region.

Patron - Surovell

F SB714 Virginia Revolutionary 250 Commission; report. Establishes the Virginia Revolutionary 250 Commission to plan, develop, and perform programs and activities to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States. The bill has an expiration date of July 1, 2027. This bill was incorporated into SB 407.

Patron - McClellan

F SB829 Governor; authority to reinstate professional licenses. Gives the Governor the power to reinstate the license for any profession regulated by an executive branch agency that has been revoked by such agency. The Governor shall establish a process by which a person who has had his professional license revoked by an executive branch agency may apply to have his license reinstated. Each executive

branch agency shall assist the Governor in the administration of such process.

Patron - Stanley

F SB866 Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions. 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 pregnancy, childbirth, or related medical conditions. Under current law, an employee who has been discriminated against on the basis of pregnancy, childbirth, or related medical conditions may only file an action against his employer if the employee is discharged by the employer on the basis of sex. The bill permits a court, in cases where the employee prevails, to award compensatory or punitive damages, and attorney fees not to exceed 25 percent of the amount awarded. The bill also clarifies that for purposes of the cause of action, discrimination on the basis of pregnancy, childbirth, or related medical conditions includes discrimination against a person because such person may become pregnant or has been pregnant.

Patron - Favola

F SB945 Department of General Services; Division of Support Services; parking facilities; cell phone service. Requires the Division of Support Services within the Department of General Services to install and maintain industrial cell phone signal boosters, defined in the bill, in any parking facility for officers and employees of the Commonwealth.

Patron - Chase

F SB950 Appropriation of funds for Governor's personal security staff. Provides that no funds shall be appropriated for the employment of any member of the Governor's personal security staff if the Governor takes any action to deny law-abiding citizens of the Commonwealth their right to carry, possess, or transport a firearm.

Patron - Chase

F SB984 Virginia Tourism Authority; Governor's New Airline Service Incentive Fund. Creates the Governor's New Airline Service Incentive Fund to be administered by the Virginia Tourism Authority to support the local, regional, national, and international airports in Virginia by providing the means for attracting new passenger air service routes by advertising and promoting new air service routes that would commence in Virginia. This bill was incorporated into SB 990.

Patron - Newman

F SB1076 Property conveyance; Governor; Chickahominy Indian Tribe. Authorizes the Governor to purchase, in a form approved by the Attorney General and for an amount of up to \$2.5 million, land located in Charles City County for the purpose of conveyance to the Chickahominy Indian Tribe.

Patron - McClellan

F SJ79 Commemorative commission; State Capitol; statue of Booker T. Washington. Expresses the General Assembly's support for and calls upon the Governor to establish a commemorative commission to honor Booker T. Washington with a statue in the State Capitol.

Patron - Suetterlein

Carried Over

C HB11 Division of Human Rights; duties. Clarifies that the duties of the Division of Human Rights shall include receiving and investigating all complaints alleging unlawful

discriminatory practices that are filed within the applicable statute of limitations period and allege a wrongdoing covered under applicable federal or state law.

Patron - Samirah

C HB84 Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil 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 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. The bill imposes a \$500 civil penalty on any offeror that knowingly fails to submit the required disclosure.

Patron - Fowler

C HB322 Virginia Information Technologies Agency; Cybersecurity Advisory Council created; report. Creates the Cybersecurity Advisory Council to (i) assist the Chief Information Officer (CIO) of the Virginia Information Technologies Agency with the development of policies, standards, and guidelines for assessing security risks, determining appropriate security measures, and performing security audits of government electronic information; (ii) make recommendations to the CIO regarding strategies to strengthen the Commonwealth's cybersecurity; and (iii) analyze and investigate breaches of the information technology security of any independent agency or any agency or other entity within the executive branch, legislative branch, or judicial branch of state government. The bill requires the Council to submit an annual report to the Governor and the General Assembly.

Patron - Ayala

C HB346 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

C HB435 Virginia Security for Public Deposits Act; collateral for public deposits. Specifies that required collateral of a qualified public depository must be deposited with a qualified escrow agent within two business days of accepting public deposits. Current law requires deposits to be collateralized at the time of deposit.

Patron - Heretick

C HB584 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. The bill defines the term "preference" as requiring that a person with a disability be hired over a person without a disability when the two individuals are substantially equal in qualifications for an eligible position.

Patron - Guzman

HB602 Virginia Freedom of Information Act; scholastic records; charges. Provides that, upon request, scholastic records shall be furnished electronically once per academic quarter and physically once per academic year at no charge to the student who is the subject thereof or the student's parent or legal guardian.

Patron - Freitas

HB691 Prescription Drug Affordability Board and Office of the Prescription Drug Affordability Board; established. Establishes the Prescription Drug Affordability Board to study, review, and regulate the cost of prescription drugs in the Commonwealth, in consultation with a stakeholder work group appointed by the Board. The bill also establishes the Office of the Prescription Drug Affordability Board to provide staffing and administrative support to the Board.

Patron - Simonds

HB1134 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

HB1392 Office of the Attorney General; FOIA Ombudsman; powers and duties; report. Requires the Attorney General to appoint a Virginia Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of the Virginia Freedom of Information Act. 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

HB1650 Department of Small Business and Supplier Diversity; Small Business Procurement Enhancement Program established; report. Establishes the 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 of up to \$100,000 for goods, nonprofessional services, and construction and up to \$80,000 for professional services and (ii) establishes certification 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 - Ward

SB135 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 - Stuart

SB234 Department of Human Resource Management; health insurance for local school board employees. Allows local school boards to elect to have all of their employees and retirees, as well as the dependents of such employees and retirees, be eligible to participate in the state employee health insurance plan in lieu of the current state-administered local health insurance plan. Any participating local school board shall be responsible for whatever portion of the cost of such insurance is not paid by the employee, except any portion that the General Assembly elects to pay.

Patron - Chafin

SB362 Department of Veterans Services; hyperbaric oxygen therapy; data collection. Allows the Department of Veterans Services (the Department) to contract with any hospital in the Commonwealth that furnishes the treatment option of hyperbaric oxygen therapy to provide hyperbaric oxygen therapy to any veteran in the Commonwealth who has been certified by the U.S. Department of Veterans Affairs or any branch of the United States Armed Forces as having post-traumatic stress disorder or traumatic brain injury. The Department shall include in any contract with such hospital to furnish hyperbaric oxygen therapy the requirement that data be collected to assess the efficacy of hyperbaric oxygen therapy for veterans and any other information deemed relevant by the Department.

Patron - Dunnivant

SB363 Education and workforce development; Virginia Works Portal created; report. Creates the Virginia Works Portal 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 provide an interactive, user-friendly environment and must be available to the public by July 1, 2021. The bill creates the 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.

Patron - Dunnivant

SB627 Prompt payment by contractors to subcontractors. Provides that contracts under the Virginia Public Procurement Act shall include a payment clause requiring the contractor to pay a subcontractor within seven days after receipt of amounts paid to the contractor by the state agency or locality. Under current law, the contractor is allowed to either pay the subcontractor or notify the state agency or locality and subcontractor of his intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment. The bill also provides that nonresidential construction contracts entered into after July 1, 2020, are deemed to include an interest clause obligating the general contractor to pay interest to the subcontractor on all amounts owed by the contractor that remain unpaid after seven days. In addition, the bill provides that payment by a public body or private owner to a contractor shall not be a condition precedent for payment to a subcontractor.

tor, and payment by a contractor to a subcontractor is not a condition precedent for payment to any other subcontractor.

Patron - Vogel

C SB777 Virginia Security for Public Deposits Act; collateral for public deposits; timeframe. Requires a qualified public depository to deposit eligible collateral with a qualified escrow agent equal to or in excess of the required collateral within two business days of accepting a public deposit. Current law requires deposits to be collateralized at the time of deposit.

Patron - Lewis

C SB863 Disposition of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute. Authorizes the Governor to lease a portion of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute to Smyth County for a term of three years. The bill also corrects tax map references contained in Chapter 678 of the Acts of Assembly of 2019, which also involved conveyances of property in Smyth County.

Patron - Pillion

Agriculture, Animal Care, and Food

Passed

P HB119 Milk; definition; misbranding; prohibition. Defines "milk" as the lacteal secretion of a healthy hooved mammal and provides that a food product is unlawfully misbranded if its label states that it is milk and it fails to meet such definition, except for human breast milk. The bill directs the Board of Agriculture and Consumer Services to implement a plan to ban all products misbranded as milk. The bill does not become effective until six months after the enactment, on or before October 1, 2029, of a similar act in any 11 of 14 specified states. This bill was vetoed by the Governor.

Patron - Knight

P HB764 Domesticated animal premises; liability for transmission of domesticated animal pathogen. Provides that no owner or operator of a domesticated animal premises, defined in the bill, shall be liable for damages arising from a claim by a person visiting such premises alleging injury or death caused by a domesticated animal pathogen if the owner or operator took reasonable precautions to prevent the transmission of such pathogen. The bill also requires the posting of a warning sign and the provision of a hand-washing station at the premises and provides that liability may arise if the person proves that no warning sign was posted or hand-washing station provided as required. The provision of the bill protecting the owner or operator from liability shall not apply if the transmission of the pathogen was due to the owner's or operator's gross negligence, willful and wanton conduct, or intentional act.

Patron - Orrock

P HB942 Industrial hemp; federal regulations; adoption in Virginia. Directs the Board of Agriculture and Consumer Services to conform the regulations of the Department of Agriculture and Consumer Services to any federal regulation adopted by the U.S. Department of Agriculture, immediately upon publication in the Federal Register, that

materially expands opportunities for growing, producing, or dealing in industrial hemp in the Commonwealth. The bill exempts such regulatory amendments by the Board from the Administrative Process Act. The bill contains an emergency clause.

Patron - Marshall

P HB962 Hemp products intended for smoking. Prohibits the sale to persons under age 21 of hemp products intended for smoking.

Patron - Marshall

P HB1002 Agriculture and Forestry Industries Development Planning Grant Program. Authorizes the Governor to award grants from the existing Governor's Agriculture and Forestry Industries Development Fund to encourage efforts by political subdivisions to support agriculture and forestry. The bill creates the Agriculture and Forestry Industries Development Planning Grant Program, authorizes the Governor to award reimbursable grants to political subdivisions through the Program, and directs the Secretary of Agriculture and Forestry to administer and develop guidelines for the Program, including a local matching fund requirement. This bill received Governor's recommendations.

Patron - Guzman

P HB1237 Beehive distribution program. Changes the process for the granting of basic beehive units by the Department of Agriculture and Consumer Services from a first-come, first-served process to one based on random selection and limits applicants to three beehive units per household per year.

Patron - Wilt

P HB1349 Department of Agriculture and Consumer Services; Division of Marketing. Removes references to the Division of Marketing of the Department of Agriculture and Consumer Services and authorizes the Commissioner of the Department to adopt regulations in its place. The bill also states that any regulations promulgated by the Director of the Division remain in full force and effect until new regulations are promulgated by the Commissioner of the Department.

Patron - Tyler

P HB1353 Federal acts; meat and poultry. Updates existing Code references to the Federal Meat Inspection Act and the federal Poultry Products Inspection Act.

Patron - Gooditis

P HB1430 Industrial hemp extract; approval as food or ingredient; regulations; fund; emergency. Provides that an industrial hemp extract, as defined in the bill, is a food and is subject to applicable laws and regulations. The bill establishes (i) requirements for the production of an industrial hemp extract or a food containing an extract and (ii) conditions under which a manufacturer of such extract or food shall be considered an approved source. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations establishing contaminant tolerances, labeling requirements, and batch testing requirements, and it provides that moneys collected under the chapter shall be deposited in the Virginia Industrial Hemp Fund, created by the bill. The bill directs the Secretary of Agriculture and Forestry to report by November 1, 2020, a plan for the long-term sustainability of funding for the industrial hemp program. The bill contains an emergency clause and is identical to SB 918.

Patron - Gooditis

P HB1552 Tethering animals; adequate shelter and space. Provides that the outdoor tethering of an animal does

not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter. The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would. This bill is identical to SB 272.

Patron - Levine

P SB24 Agritourism activities; horseback riding. Adds horseback riding to the definition of "agritourism activity." Agritourism activities have limited liability for the inherent risks of the activity under certain conditions.

Patron - Petersen

P SB114 Comprehensive animal care; enforceable under Virginia Consumer Protection Act. Subjects certain animal care statutes to enforcement under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). These statutes relate to the posting of information about dogs and to written notice of consumer remedies required to be provided by pet shops, pet dealers, and animal boarding establishments.

Patron - Marsden

P SB272 Tethering animals; adequate shelter and space. Provides that the outdoor tethering of an animal does not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter. The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would. This bill is identical to HB 1552.

Patron - Bell

P SB303 Import and sale of dogs from certain breeders; penalty. Prohibits any dealer or commercial dog breeder from importing for sale, selling, or offering for sale any dog bred by a person who has received certain citations pursuant to enforcement of the federal Animal Welfare Act. A violation is a Class 1 misdemeanor.

Patron - Stanley

P SB742 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 less than full equity in the consumer at the time of the purported sale. The bill prohibits the sale of a dog or cat in which the animal is subject to repossession upon default of the agreement and prohibits any financial institution from offering a loan for which the animal is subject to repossession upon default of the loan. The bill provides that a violation of the provisions of the bill is a violation of the Consumer Protection Act and a business that violates the provisions of the bill may also have its retail license 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-enforcement dogs, military working dogs, and certified facility dogs. The bill has a delayed effective date of January 1, 2021.

Patron - McPike

P SB786 Animal shelters; housing conditions. Requires certain housing, space, and care conditions for an animal that is confined by the operator or custodian of a public or private animal shelter or releasing agency during an applicable stray hold period. The bill requires different conditions after such stray hold period ends, including requirements related to materials and construction of facilities, indoor and outdoor enclosures, and separation of certain animals. The bill also requires any regulation by the Board of Agriculture and Consumer Services that applies to an animal not subject to a stray hold period to not be so restrictive as to fail to allow for adequate care, exercise, and space, including meaningful indoor and outdoor recreation for the animal.

Patron - Lewis

P SB849 Lawn fertilizer contractor-applicators. Authorizes the Commissioner of Agriculture and Consumer Services to enter into an agreement with a locality to provide oversight and data collection assistance related to the requirements of certified lawn fertilizer contractor-applicators. Current law prohibits localities from regulating the registration, packaging, labeling, sale, use, application, storage, or distribution of fertilizers except by ordinance pursuant to certain requirements. The bill also reduces from 100 to 50 the total number of acres of nonagricultural land to which a contractor-applicator may apply lawn fertilizer and lawn maintenance fertilizer annually without submitting an annual report to the Commissioner. The bill increases from \$250 to \$1,000 the civil penalty imposed on a contractor-applicator for a violation of applicable regulations.

Patron - Mason

P SB891 Animal welfare regulations; keeping of animals; State Animal Welfare Inspector. Directs the Board of Agriculture and Consumer Services to adopt comprehensive regulations governing the keeping of dogs and cats by any pet shop. The regulations are to require an annual \$25 registration for any nonprofit or governmental entity required to register, \$250 for any private, for-profit entity required to register, and may establish standards that apply only to a particular category of currently unregulated entity. The bill creates the position of State Animal Welfare Inspector as an employee of the Commissioner of Agriculture and Consumer Services and directs the Inspector or a representative to conduct at least one annual inspection of each pet shop. This bill received Governor's recommendations.

Patron - Marsden

P SB918 Industrial hemp extract; approval as food or ingredient; regulations; fund; emergency. Provides that an industrial hemp extract, as defined in the bill, is a food and is subject to applicable laws and regulations. The bill establishes (i) requirements for the production of an industrial hemp extract or a food containing an extract and (ii) conditions under which a manufacturer of such extract or food shall be considered an approved source. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations establishing contaminant tolerances, labeling requirements, and batch testing requirements, and it provides that moneys collected under the chapter shall be deposited in the Virginia Industrial Hemp Fund, created by the bill. The bill directs the Secretary of Agriculture and Forestry to report by November 1, 2020, a plan for the long-term sustainability of funding for the industrial hemp program. The bill contains an emergency clause and is identical to HB 1430.

Patron - Marsden

P SB1030 Dangerous captive animal exhibits; penalty. Prohibits a keeper of dangerous captive animals, defined in the bill, from providing or offering to provide to any member of the public, for free or for a cost, direct contact with such dangerous captive animal. The bill provides that a violation is a Class 3 misdemeanor and that the keeper is subject to a fine of not more than \$500. The bill has a delayed effective date of July 1, 2021.

Patron - Spruill

Failed

F HB27 Cruelty to animals; serious bodily injury; first offense; penalty. Provides that a person who commits an act of animal cruelty that results in serious bodily injury to or the death or euthanasia of an animal is guilty of a Class 6 felony. Current law requires that the person have been convicted of an act of cruelty within the past five years and that an animal die as a direct result of the current or past act of cruelty before the violation is a Class 6 felony. The bill expands the authority of a court to order anger management treatment from cases of misdemeanor cruelty to all cases. The bill contains technical amendments.

Patron - Lindsey

F HB248 Industrial hemp products; signage; green cross emblem. Authorizes any locality to adopt ordinances restricting the display by any business that sells hemp products of the symbol of a green cross with arms of equal length on exterior signage. The bill also authorizes the Board of Agriculture and Consumer Services to adopt regulations restricting such display.

Patron - Lindsey

F HB249 Hemp products; regulation; labeling. Directs the Board of Agriculture and Consumer Services to adopt regulations prohibiting the use of the term "CBD" in connection with a hemp product, which current law defines to include any lawful product that contains industrial hemp, including oil containing an industrial hemp extract. The bill provides that such regulations shall authorize the use of the term "H-CBD" or "Hemp CBD" instead. The bill authorizes the Board to adopt further regulations governing the labeling and marketing of hemp products.

Patron - Lindsey

F HB349 Hemp products; regulation; advertising. Directs the Board of Agriculture and Consumer Services to adopt regulations prohibiting any person who is not a credentialed medical professional from wearing a white laboratory

coat or jacket or other medical attire or device in any hemp product advertisement or marketing material that could reasonably be expected to portray such person as a medical professional. Current law defines "hemp product" to include any lawful product that contains industrial hemp, including oil containing an industrial hemp extract. The bill authorizes the Board to adopt other regulations governing the advertising of hemp products.

Patron - Davis

F HB484 Hemp products; regulation; labeling. Directs the Board of Agriculture and Consumer Services to adopt regulations prohibiting the use of the term "CBD" in connection with a hemp product, which current law defines to include any lawful product that contains industrial hemp, including oil containing an industrial hemp extract. The bill provides that such regulations shall authorize the use of the term "H-CBD" or "Hemp CBD" instead. The bill authorizes the Board to adopt further regulations governing the labeling and marketing of hemp products.

Patron - Davis

F HB508 Animal care; cruelty; dangerous dogs. Extensively reorganizes, clarifies, and makes substantive changes to provisions related to dangerous dogs. Substantive changes include (i) a requirement that a law-enforcement officer or animal control officer who has reason to believe that a dog within his jurisdiction is a dangerous dog must apply for a district court summons, a requirement that is discretionary under current law; (ii) a prohibition on disposing of a dog prior to a dangerous dog adjudication; (iii) additional requirements for owners during and after a dangerous dog adjudication, including notice upon transfer, signage, fencing, muzzling, and registration; (iv) court discretion on prohibiting ownership of or residence with a dog following a dangerous dog adjudication; and (v) additional recordkeeping for officers in certain situations.

The bill also increases from a Class 1 misdemeanor to a Class 6 felony the penalty for a first offense of killing a domestic dog or cat for the purpose of obtaining its hide, fur, or pelt. Current law imposes a Class 6 felony charge only for a second or subsequent offense.

Patron - Willett

F HB640 Product safety; liquid container containing bisphenol A; fund; civil penalty. Prohibits the manufacture, sale, or distribution in the Commonwealth, beginning July 1, 2023, of any container intended for the storage of liquid food or beverages that contains the industrial chemical bisphenol A (BPA). The bill imposes certain requirements on any substitute chemical used by a manufacturer in place of BPA. The bill subjects any manufacturer in the Commonwealth that violates any provision 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. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations to carry out its provisions.

Patron - Samirah

F HB709 Tobacco Indemnification and Community Revitalization Fund; investments in Virginia venture capital accounts. Authorizes the Tobacco Region Revitalization Commission to invest up to 10 percent of the available balance from the taxable portion of the Tobacco Indemnification and Community Revitalization Fund as of July 1, 2020, in Virginia venture capital accounts that have been certified by the Department of Taxation.

Patron - Rush

F HB943 Industrial hemp; testing after harvest. Directs the Commissioner of Agriculture and Consumer Services, in conducting a required random test of a grower's industrial hemp for compliance with tetrahydrocannabinol limits, to test a sample of industrial hemp that is collected after harvest rather than from within a production field.

Patron - Marshall

F HB1034 Local Food and Farming Infrastructure Fund and Grant Program; political subdivisions. Establishes the Local Food and Farming Infrastructure Fund and directs the Department of Agriculture and Consumer Services to establish a Local Food and Farming Infrastructure Grant Program for infrastructure development projects that support local food production and sustainable farming. The bill directs the Department to award grants to political subdivisions for projects that include the establishment or maintenance of farmers markets; businesses or organizations that manage the aggregation, distribution, and marketing of food products primarily from local and regional producers; and primarily locally owned processing facilities. Any political subdivision that is awarded a grant is required to oversee the spending of the grant and provide an annual report and a final report to the Department. The bill provides parameters for the payment of the grant amount to each political subdivision and establishes requirements for verification of compliance with award criteria by such political subdivision.

Patron - Rasoul

F HB1065 Animal cruelty videos and photos; penalty. Prohibits creating, recording, distributing, selling, advertising, or appearing in any videographic or still image depicting animal cruelty, with certain exceptions for law-enforcement investigations of animal cruelty. A violation is a Class 6 felony.

Patron - Kory

F HB1129 Product safety; flame retardants; regulations; fund; civil penalty. Prohibits the manufacture or sale in the Commonwealth, beginning July 1, 2021, 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, 2021, 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. Finally, the bill directs the Board of Agriculture and Consumer Services to adopt regulations to carry out the provisions of the bill and to impose the chemical prohibition on certain other consumer products.

Patron - Lopez

F HB1317 Industrial hemp grower; public notice; buffer zone; odor mitigation. Requires any applicant for registration as a grower of industrial hemp to state either that the growing premises are more than 100 yards from any residential area or that the applicant has complied with pre-registration public notice and comment requirements set by the Commissioner of Agriculture and Consumer Services. The bill directs the Board of Agriculture and Consumer Services to adopt regulations requiring each registered grower of industrial hemp to

maintain a buffer zone from the property lines of the growing premises and to perform odor mitigation at such premises during peak blooming season.

Patron - Aird

F HB1416 Animal care; zoos and petting zoos; seizure of animals. Raises from reasonable cause to probable cause the standard for a belief that animal cruelty laws are being violated for purposes of an application for a search warrant. The bill adds animals located at a zoo or petting zoo, defined in the bill, to agricultural animals as exceptions to the standards for seizure or impoundment of companion animals. The bill also requires that before a seizure can take place at a zoo or petting zoo, a direct and immediate threat to an animal must exist that cannot be corrected in a reasonable time or that the owner is unable or unwilling to correct. The bill requires humane investigators to be residents of the Commonwealth. The bill contains technical amendments.

Patron - Campbell, R.R.

F HR14 Memorializing the Congress of the United States to support the Humane Cosmetics Act of 2019. Urges the Congress of the United States to support S. 2886 and H.R. 5141, the Humane Cosmetics Act of 2019.

Patron - Gooditis

F SB310 Public animal shelters; notice to euthanize. Requires each public animal shelter to adopt a policy under which it waits a certain number of days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the animal. The shelter must make reasonable efforts to accomplish the release of the animal but is not required hold the animal if it has reason to believe that the animal has seriously injured a human or the animal meets certain other specified conditions for euthanasia. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stanley

F SB311 Breeding dogs or cats for experimentation; prohibition. Prohibits any person from breeding a dog or cat for the express purpose of producing offspring for participation in medical research or experimentation or for sale to a manufacturer or contract testing facility to conduct research using an animal test method.

Patron - Stanley

F SB337 Animal Cruelty Conviction List established. Requires the Superintendent of State Police to establish and maintain by January 1, 2023, an Animal Cruelty Conviction List to be available to the public on the website of the Department of State Police. The list includes the names of persons convicted of certain felony animal cruelty offenses on or after July 1, 2020. The bill requires persons convicted of any such offense to pay a fee of \$50 per conviction to fund the maintenance of the list. The bill requires the State Police to remove a person from the list 15 years after his information is listed if he has no additional felony conviction of a relevant animal cruelty offense.

Patron - Stuart

F SB648 Goat grazing on stream buffers. Authorizes a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program. The bill

also clarifies that such grazing is not prohibited by certain provisions of the State Water Control Law.

Patron - Boysko

[F] SB827 Industrial hemp; federal regulations; adoption in Virginia. Directs the Board of Agriculture and Consumer Services to conform the regulations of the Department of Agriculture and Consumer Services to any federal regulation adopted by the U.S. Department of Agriculture, immediately upon publication in the Federal Register, that materially expands opportunities for growing, producing, or dealing in industrial hemp in the Commonwealth. The bill exempts such regulatory amendments by the Board from the Administrative Process Act. The bill contains an emergency clause.

Patron - Ruff

[F] SB954 Dairy Producer Margin Coverage Premium Assistance Program. Directs the Commissioner of Agriculture and Consumer Services to establish and administer the Dairy Producer Margin Coverage Premium Assistance Program (the Program). The bill provides that any dairy farmer that has a resource management plan or nutrient management plan and participates in the federal margin coverage program for dairy producers as contained in the federal Agriculture Improvement Act of 2018 is eligible to participate in the Program. Under the bill, each year a Program participant will receive a refund of its annual premium payment paid into the federal program. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Obenshain

[F] SB1053 Tobacco Indemnification and Community Revitalization Fund; broadband. Authorizes the Tobacco Region Revitalization Commission to distribute funds from the Tobacco Indemnification and Community Revitalization Fund to tobacco-dependent communities in an equitable manner throughout the Middle Peninsula, Northern Neck, Southside, and Southwest regions of the Commonwealth in order to expand access to broadband Internet in those areas.

Patron - McDougle

[F] SJ61 Memorializing the Congress of the United States to support the Humane Cosmetics Act of 2019. Urges the Congress of the United States to support S. 2886 and H.R. 5141, the Humane Cosmetics Act of 2019.

Patron - Boysko

Carried Over

[C] HB87 Marijuana; legalization of simple marijuana possession; penalties. Eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than \$100 for possession of (i) two and one-half ounces or less of marijuana or (ii) 12 or fewer marijuana plants and a civil penalty of no more than \$500 for possession of more than (a) two and one-half ounces of marijuana or (b) 12 marijuana plants. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana secure transporters, marijuana testing facilities, retail marijuana stores, and marijuana microbusinesses by the Board of Agriculture and Consumer Services. The bill imposes an additional tax of 10 percent on

retail marijuana and retail marijuana products sold by retail marijuana stores and microbusinesses and directs the first \$20 million of such revenues, after expenses of the Board are paid, to the Veterans Treatment Fund, established in the bill. The remaining tax receipts will be distributed to the localities in which the businesses operate, toward the state's share of Standards of Quality basic aid payments, and to the Commonwealth Mass Transit Fund. The bill also expands the legal medical uses of marijuana and tetrahydrocannabinol from only cancer and glaucoma to any use to alleviate the symptoms of any diagnosed condition or disease determined by the prescribing doctor to benefit from the use of such substance.

Patron - Carter

[C] HB269 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

[C] HB1194 Dairy Producer Margin Coverage Premium Assistance Program. Directs the Commissioner of Agriculture and Consumer Services to establish and administer the Dairy Producer Margin Coverage Premium Assistance Program (the Program). The bill provides that any dairy farmer that has a resource management plan or nutrient management plan and participates in the federal margin coverage program for dairy producers at the Tier 1 level as contained in the federal Agriculture Improvement Act of 2018 is eligible to participate in the Program. Under the bill, each year a Program participant will receive a refund of its annual premium payment paid into the federal program.

Patron - Lopez

[C] HB1279 Animal shelters; confinement and disposition of animals. Increases from five to 10 the number of days an animal confined by a public or private animal shelter or releasing agency shall be kept prior to disposal of the animal unless sooner claimed by the rightful owner. The bill also increases from five to 10 the number of additional days such animal shall be held if the owner or custodian of the shelter determines that the animal has a collar, tag, license, tattoo, or other form of identification.

Patron - O'Quinn

[C] HB1497 Fertilizer contractor-applicator; application pursuant to nutrient management plan. Prohibits the application by a fertilizer contractor-applicator, beginning July 1, 2026, of any regulated product to a farm operation larger than 50 acres unless such application is conducted pursuant to a nutrient management plan. "Regulated product," for purposes

of this bill, includes fertilizer, specialty fertilizer, soil amendment, and horticultural growing medium.

Patron - Mugler

C **HB1566 Industrial hemp; maximum THC concentration.** Increases, in the definition of "industrial hemp," the maximum concentration of tetrahydrocannabinol (THC) in the plant *Cannabis sativa* from 0.3 percent to one percent. The bill also includes in the definition of "hemp product" the raw materials of any part of the plant *Cannabis sativa* and eliminates the requirement that the product be otherwise lawful.

Patron - Keam

C **HB1621 Virginia Urban Agriculture Advisory Council created; report.** Creates the Virginia Urban Agriculture Advisory Council as an advisory council in the legislative branch of state government to encourage urban agriculture and contribute to building a local food economy. The bill has an expiration date of July 1, 2023.

Patron - Plum

C **HB1706 Prohibited pesticides; chlorpyrifos.** 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 requires the Virginia Department of Agriculture and Consumer Services to seize any such pesticide in lieu of any other penalty imposed under current law for a violation of Chapter 39 (Pesticide Control) of Title 3.2.

Patron - Kory

C **HB1712 Food packaging; PFAS chemicals; penalty.** Prohibits the sale, offer for sale, or distribution for sale or use of any food packaging containing perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals), defined in the bill as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. The penalty for violating the prohibition is a Class 2 misdemeanor.

Patron - Hudson

C **HB1727 Feral cats; trap, neuter, and return programs.** Authorizes any public or private animal shelter, releasing agency, or hospital or clinic that is operated under the immediate supervision of a duly licensed veterinarian to operate a trap, neuter, and return program, as defined in the bill. The bill exempts volunteers of such program from provisions related to abandonment and licensing of animals and exempts the operator from general requirements of shelters related to holding periods, release of animals, and recordkeeping.

Patron - Reid

C **SB304 Animal shelter euthanasia rate.** Requires any public or private animal shelter or releasing agency to annually file with the State Veterinarian (i) a copy of its intake policy, (ii) the number of animals on which a euthanasia procedure was performed, and (iii) of such number, the number of animals (a) surrendered with the intent to euthanize and (b) presented by the public animal shelter to a licensed veterinarian prior to euthanasia. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stanley

C **SB510 Milk; definition; misbranding; prohibition.** Defines milk as the lacteal secretion of a healthy hooved mammal and provides that a food product is unlawfully misbranded if its label states that it is milk and it fails to meet such definition, except for human breast milk. The bill directs the Board of Agriculture and Consumer Services to implement a plan to ban all products misbranded as milk.

Patron - Reeves

C **SB536 Incentives for telecommunications companies; provision of wireless broadband services.** Directs the Tobacco Region Revitalization Commission to award at least \$50 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.

Patron - Edwards

C **SB669 Animal testing; breeding.** Prohibits any person from breeding a dog or cat for the express purpose of producing offspring for (i) use in research, experimentation, or testing that is not required pursuant to federal law or regulation or (ii) sale to a manufacturer, institution of higher learning, or contract testing facility outside the United States.

Patron - Boysko

C **SB854 Virginia Urban Agriculture Advisory Council created; report.** Creates the Virginia Urban Agriculture Advisory Council as an advisory council in the legislative branch of state government to encourage urban agriculture and contribute to building a local food economy. The bill has an expiration date of July 1, 2023.

Patron - Petersen

Alcoholic Beverage Control Act

Passed

P **HB37 Alcoholic beverage control; stills or distilling apparatuses; permit requirement.** Narrows the requirement that a permit be obtained from the Board of Directors of the Alcoholic Beverage Control Authority in order to keep, store, or possess any still or distilling apparatus to include only instances in which a still or distilling apparatus is kept, stored, or possessed for the purpose of distilling alcohol.

Patron - Cole, M.L.

P **HB390 Alcoholic beverage control; license and fee reform.** Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021. This bill is identical to SB 389.

Patron - Knight

P **HB598 Alcoholic beverage control; annual mixed beverage performing arts facility license.** Creates an annual mixed beverage performing arts facility license that (i) may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (a) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (b) has a total capacity in excess of 1,400 patrons and (ii) authorizes the licensee to sell, on the dates of performances or events, alcoholic beverages for on-premises consumption. This bill is identical to SB 212.

Patron - Murphy

P **HB923 Alcoholic beverage control; interdiction; habitual drunkard; repeal.** Repeals the provision allowing a

court to enter an order of interdiction prohibiting the sale of alcoholic beverages to any person who has shown himself to be a habitual drunkard. The bill also repeals the provision that disqualifies habitual drunkards from being able to obtain a concealed handgun permit.

Patron - Carroll Foy

P **HB949 Alcoholic beverage control; privileges of local special events licensees.** Changes the provision limiting local special events licenses from 12 to 16 special events per year, and provides that the duration of any special event shall not exceed three consecutive days. This bill is identical to SB 689.

Patron - Webert

P **HB1088 Alcoholic beverage control; walking tour permit.** Removes the requirement that food cooked or prepared on the premises be served at each retail on-premises licensee visited by a tour company guiding individuals for compensation pursuant to a walking tour permit. Under current law, food cooked or prepared on the premises is required to be served at each establishment visited by the tour. The bill adds requirements that the tour company ensure that (i) each tour includes no more than 15 guests per tour guide and no more than three tour guides, (ii) a tour guide is present with guests throughout the duration of the tour, and (iii) all participants are persons to whom alcoholic beverages may be lawfully sold. The bill contains technical amendments.

Patron - Carr

P **HB1436 Virginia Spirits Board.** Establishes the Virginia Spirits Board, within the Department of Agriculture and Consumer Services, and the Virginia Spirits Promotion Fund. The Board is composed of the Commissioner of Agriculture and Consumer Services, the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, and nine gubernatorial-appointed nonlegislative citizens who represent coopers or maltsters and owners or operators of distilleries. Among its powers and duties, the Board is authorized to contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia; enter into contracts with private and public entities to market, advertise, and promote the industry; and engage in revenue-producing activities. The Fund consists of general fund appropriations, fees from services rendered, and payments received for products, equipment, or goods supplied. The bill exempts contracts for advertising, marketing, or publishing that are entered into by the Board from certain provisions of the Virginia Public Procurement Act. This bill is identical to SB 583.

Patron - Jones

P **SB181 Alcoholic beverage control; commercial lifestyle center; definition.** Reduces from 25 to 10 the minimum number of acres upon which a commercial development must sit in order to qualify for licensure as a commercial lifestyle center.

Patron - Favola

P **SB212 Alcoholic beverage control; annual mixed beverage performing arts facility license.** Creates an annual mixed beverage performing arts facility license that (i) may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (a) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (b) has a total capacity in excess of 1,400 patrons and (ii) authorizes the licensee to sell, on the dates of

performances or events, alcoholic beverages for on-premises consumption. This bill is identical to HB 598.

Patron - Favola

P **SB389 Alcoholic beverage control; license and fee reform.** Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021. This bill incorporates SB 447 and is identical to HB 390.

Patron - McPike

P **SB395 Alcoholic beverage control; residency requirement for licensure.** Eliminates the provision that allows the Board of Directors of the Alcoholic Beverage Control Authority to refuse to grant a retail license to any person who has not resided in the Commonwealth for at least one year immediately preceding application therefor.

Patron - McPike

P **SB414 Alcoholic beverage control; limited distiller's license; allowable gallonage.** Removes the provision that limits limited distiller licensees to manufacturing a maximum of 36,000 gallons of spirits per year.

Patron - Deeds

P **SB441 Alcoholic beverage control; winery license privileges.** Allows winery licensees to sell wine at retail on the premises described in the winery license for on-premises consumption or in closed containers for off-premises consumption, provided that such wine is manufactured on the licensed premises.

Patron - Surovell

P **SB496 Alcoholic beverage control; culinary lodging resorts.** Allows culinary lodging resorts, as defined in the bill, to obtain a mixed beverage restaurant license, which authorizes such resorts to (i) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority and other designated areas of the resort, including outdoor areas under the control of the licensee; and (ii) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms. The bill also allows culinary lodging resorts to obtain a combined mixed beverage restaurant and caterer's license, which authorizes the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations.

Patron - Edwards

P **SB497 Alcoholic beverage control; mixed beverage restaurant license; mini bottles.** Allows mixed beverage restaurant licensees located on the premises of and operated by a private, nonprofit, or profit club to sell spirits packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters for on-premises consumption.

Patron - Edwards

P **SB498 Alcoholic beverage control; definition of resort complex.** Expands the definition of "resort complex" to include facilities that (i) are operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest

rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public and (ii) have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises. Such facilities will be permitted to obtain a mixed beverage restaurant, on-premises wine and beer, or on-and-off-premises wine and beer license.

Patron - Edwards

P SB583 Virginia Spirits Board. Establishes the Virginia Spirits Board, within the Department of Agriculture and Consumer Services, and the Virginia Spirits Promotion Fund. The Board is composed of the Commissioner of Agriculture and Consumer Services, the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, and nine gubernatorial-appointed nonlegislative citizens who represent coopers or maltsters and owners or operators of distilleries. Among its powers and duties, the Board is authorized to contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia; enter into contracts with private and public entities to market, advertise, and promote the industry; and engage in revenue-producing activities. The Fund consists of general fund appropriations, fees from services rendered, and payments received for products, equipment, or goods supplied. The bill exempts contracts for advertising, marketing, or publishing that are entered into by the Board from certain provisions of the Virginia Public Procurement Act. This bill is identical to HB 1436.

Patron - Mason

P SB689 Alcoholic beverage control; privileges of local special events licensees. Changes the provision limiting local special events licenses from 12 to 16 special events per year, and provides that the duration of any special event shall not exceed three consecutive days. This bill is identical to HB 949.

Patron - Vogel

P SB698 Alcoholic beverage control; distiller licenses; monthly revenue transfers. Requires the Board of Directors of the Virginia Alcoholic Beverage Control Authority, upon application by the distiller and satisfaction of certain eligibility criteria, to include in any agreement it enters into with the licensed distiller for the sale of alcoholic beverages provisions that allow monthly revenue transfers from the distiller to the Board to be submitted electronically and to be limited to the amount due to the Board in applicable taxes and markups. Under law that is set to become effective on July 1, 2020, the Board is required, without condition, to allow such electronic submission and to limit such monthly revenue transfers to the amount due to the Board in applicable taxes and markups.

Patron - Mason

P SB833 Alcoholic beverage control; tasting licenses. Increases from four to 12 the number of tasting licenses that may be issued to a person per year.

Patron - Ebbin

P SB1029 Alcoholic beverage control; gourmet shop license; distiller participation in tastings. Allows distillers to participate in tastings held by gourmet shop licensees.

Patron - Mason

Failed

F HB353 Alcoholic beverage control; confectionery license; definition of liquid. Defines liquid for purposes of the confectionery license to mean a substance that (i) is composed of molecules that move freely among themselves, (ii) has no independent shape but a definite volume, and (iii) is neither gaseous, solid, nor semi-solid. Under current law, a confectionery licensee may prepare and sell for off-premises consumption confectionery that contains five percent or less alcohol by volume, provided that the alcohol is not in liquid form at the time such confectionery is sold.

Patron - Davis

F HB815 Alcoholic beverage control; general powers of the Board of Directors of the Virginia Alcoholic Beverage Control Authority; prohibition against advertising calculated to induce sales of products sold by the Board. Prohibits the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) from engaging in any advertising that is calculated to induce sales of alcoholic beverages sold by the Board. The bill defines "advertising" as any written or verbal statement, illustration, or depiction, including any written, printed, graphic, or other material; billboard, sign, or other outdoor display; publication; or radio or television broadcast.

Patron - Head

F HB937 Alcoholic beverage control; wine and beer licenses; farm store license. Defines "farm store" and creates a farm store license that authorizes the licensee to sell wine or beer to persons to whom wine or beer may be lawfully sold for on-premises consumption and in closed containers for off-premises consumption. The bill establishes state and local fees for farm store licenses and provides that in no event shall the sale of wine or beer exceed 25 percent of the total annual gross sales of the farm store.

Patron - Webert

F HB945 Alcoholic beverage control; distillers' licenses; remote stores and tasting rooms. Allows a licensed distiller who operates a government store for the sale of spirits to (i) conduct tastings and (ii) sell spirits for off-premises consumption at five additional locations designated in the license.

Patron - Webert

F HB1142 Alcoholic beverage control; possession or consumption of alcoholic beverages at school-sponsored activities; penalty. Prohibits persons from possessing or drinking alcoholic beverages while attending a public elementary or secondary school-sponsored activity hosted at a non-school facility. A violation of the provisions of the bill is a Class 2 misdemeanor.

Patron - Tran

F HB1595 Alcoholic beverage control; transfer of wine. Allows retail off-premises or on-and-off-premises wine and beer licensees to transfer wine from one licensed place of business to another licensed place of business, subject to certain requirements set forth in the bill. Under current law, only retail on-premises wine and beer licensees and retail on-premises beer licensees are permitted to make transfers.

Patron - Murphy

F HB1671 Alcoholic beverage control; privileges of retail on-and-off premises and retail off-premises wine and beer licensees; sale of wine and beer through online food ordering platforms. Allows persons granted an on-and-off

premises wine and beer license or an off-premises wine and beer license to sell such wine and beer in closed containers for off-premises consumption through an online food ordering platform, defined in the bill as a website through which customers order and pay for food and wine or beer that is subsequently picked up by the customer from the retailer's licensed premises.

Patron - Wilt

F SB196 **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 \$10,000 in monthly food sales.

Patron - Cosgrove

F SB298 **Alcoholic beverage control; tied house exception.** Allows wholesale licensees to enter into sponsorship or advertising contracts with annual mixed beverage motor sports facility licensees who operate food concessions at an outdoor motor sports road racing club facility that is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length.

Patron - Stanley

F SB447 **Alcoholic beverage control; license and fee reform.** Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021. This bill was incorporated into SB 389.

Patron - Reeves

F SB495 **Alcoholic beverage control; jewelry store license.** Creates a jewelry store license, which (i) may be granted to a permanent retail establishment in which at least 75 percent of its annual sales come from the sale of jewelry and (ii) authorizes the licensee to serve two five-ounce glasses of wine or two 12-ounce glasses of beer to any bona fide customer. The bill establishes state and local license fees for such license. The bill has a contingent expiration date.

Patron - Edwards

F SB688 **Alcoholic beverage control; distillers' licenses; remote stores and tasting rooms.** Allows a licensed distiller who operates a government store for the sale of spirits to (i) conduct tastings and (ii) sell spirits for off-premises consumption at four additional locations designated in the license.

Patron - Vogel

F SB709 **ABC; work group; tied house provisions; report.** Directs the Virginia Alcoholic Beverage Control Authority to convene a work group to study the tied house provisions that prevent (i) a restaurant licensed to sell alcoholic beverages at retail in the Commonwealth that is under common control or ownership with a brewery, limited brewery, winery, farm winery, distiller, or limited distiller licensee from selling alcoholic beverages produced by such brewery, limited brewery, winery, farm winery, distiller, or limited distiller licensee and (ii) a licensee from employing a person who is also employed by a licensee operating in a different tier of the Commonwealth's three-tier alcoholic beverage control system. The bill requires the Authority to report the findings and recommendations of the work group to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on General Laws by November 30, 2020.

Patron - McClellan

Carried Over

C HB614 **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

C HB1187 **Alcoholic beverage control; online sales of spirits by the Virginia Alcoholic Beverage Control Authority.** Allows the Virginia Alcoholic Beverage Control Authority to include provisions in its agency agreements with licensed distillers operating government stores that allow such distillers to sell spirits and low alcohol beverage coolers through Internet orders and ship such orders directly to consumers and licensees within the Commonwealth.

Patron - Wampler

C SB824 **Alcoholic beverage control; distiller licenses; Internet orders and shipments.** Allows the Virginia Alcoholic Beverage Control Authority to include provisions in its agency agreements with licensed distillers operating government stores that allow such distillers to sell spirits and low alcohol beverage coolers through Internet orders and ship such orders directly to consumers and licensees within the Commonwealth.

Patron - Ruff

C SB1095 **Alcoholic beverage control; prohibition on mixed beverages at strip clubs.** Removes provisions that prevent the granting of a mixed beverage license to establishments that allow stripteasing, topless entertainment, or entertainment that involves employees who are not clad both above and below the waist.

Patron - Morrissey

Aviation

Passed

P SB356 **Aircraft; registration; definition.** Requires that an aircraft be registered in the Commonwealth if it is based in the Commonwealth for more than 90 days during a calendar year. Current law requires registration if the aircraft is based in the Commonwealth for more than 60 days during a 12-month period. The bill creates an exception to registration for aircraft that are in the Commonwealth solely for major repairs or maintenance. This bill incorporates SB 865. This bill received Governor's recommendations.

Patron - Cosgrove

Failed

F SB865 **Aircraft; registration; definition.** Requires an aircraft be registered in the Commonwealth if it is based in the Commonwealth for more than 90 days during a calendar year. Current law requires registration if the aircraft is based in the Commonwealth for more than 60 days during a 12-month period. The bill creates an exception to registration for aircraft that are in the Commonwealth solely for major repairs or maintenance. The bill also amends the definition of "aircraft" to

clarify that aircraft means a contrivance designed for flight that is occupied by one or more persons. This bill was incorporated into SB 356.

Patron - Favola

Carried Over

C HB1696 Virginia's Region 2000 Airport Authority. Authorizes the City of Lynchburg, acting alone or with one or more of the Counties of Amherst, Appomattox, Bedford, or Campbell to create an airport authority pursuant to the 2007 Virginia's Region 2000 Airport Authority Act. Current law would only allow the creation of a Virginia's Region 2000 Airport Authority (the Authority) if Lynchburg and one of the above-mentioned counties participated. The bill would also give the Authority the power to use its facilities for any governmental use approved by the Board of Directors of the Authority. The bill contains technical changes.

Patron - Byron

Behavioral Health and Developmental Services

Passed

P HB597 Group homes; licensure; certain information required. Requires every applicant for licensure or renewal of a license to establish, conduct, maintain, or operate or continue to operate a group home at which services for individuals with mental health or substance use disorder are offered to submit to the Department of Behavioral Health and Developmental Services, together with such application, financial information; information about services and staffing; and a statement of (i) the legal name of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers, agents, sponsors, partners, shareholders, or members and (ii) the legal name under which the applicant, any entity that operates group homes that is affiliated with or under common ownership or control with the applicant, and any entity that operates group homes and that is affiliated with or under common ownership or control with any officer, agent, sponsor, partner, shareholder, or member of the applicant to which a license to operate a group home has been issued in any other state, together with a list of the states in which such licenses have been issued and the dates for which such licenses were issued. The bill also provides that in the case of an application for licensure as a children's residential facility, such application shall contain information regarding any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state and that the investigation into such application conducted by the Department of Social Services shall include consideration of any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state.

Patron - Murphy

P HB728 Secretaries of Education and Health and Human Resources; work group; process for approval of residential psychiatric placement and services; report. Directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its find-

ings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to SB 734.

Patron - Hope

P HB1118 Involuntary admission; transportation; transfer to local law enforcement. Establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order and provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. This bill incorporates HB 1117 and is identical to SB 603.

Patron - Bell

P HB1452 Temporary detention for observation and treatment. Clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication where the person is located, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill limits the duration of such temporary detention to 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law-enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the Department of Behavioral Health and Developmental Services to convene a work group to develop standard policies and procedures regarding medical temporary detention orders. This bill is identical to SB 738. This bill received Governor's recommendations.

Patron - Hope

P HB1453 Acute psychiatric bed registry; information required to be reported. Directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of, the psychiatric bed registry in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 1, 2020. This bill is identical to SB 739.

Patron - Hope

P HB1482 Involuntary admission or certification of eligibility order; appeals. Clarifies provisions governing appeals of orders for involuntary admission or for certification as eligible for admission to a training center and provides that in cases in which a person is released during the pendency of an appeal, the appeal shall be in accordance with provisions for testing the legality of detention.

Patron - Gooditis

P HB1540 Behavioral health providers; barrier crimes; exceptions. Adds additional crimes to the list of barrier crimes for which an exception is available in the case of employment with an adult substance abuse or mental health program at community services boards and private providers of behavioral health services licensed by the Department of Behavioral Health and Developmental Services. The bill also allows the Department to hire individuals convicted of various barrier crimes in a position of employment at a state facility if the Department determines that the individual has been rehabilitated successfully and is not a risk to individuals receiving services.

Patron - Collins

P HB1699 DBHDS; work group to study expanding the individuals who may conduct evaluations for temporary detention; report. Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to SB 768.

Patron - Aird

P SB482 Developmental Disabilities Mortality Review Committee; penalty. Creates the Developmental Disabilities Mortality Review Committee to review the death of any person with a developmental disability who was receiving services from a provider licensed by the Department of Behavioral Health and Developmental Services or in a training center or other state facility at the time of his death to ensure that the deaths of such persons are reviewed and analyzed in a systematic way.

Patron - Favola

P SB603 Involuntary admission; transportation; transfer to local law enforcement. Establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order and provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. This bill incorporates SB 602 and is identical to HB 1118.

Patron - Hanger

P SB734 Secretaries of Education and Health and Human Resources; work group; process for approval of residential psychiatric placement and services; report. Directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance

and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to HB 728.

Patron - Deeds

P SB738 Temporary detention for observation and treatment. Clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication where the person is located, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill limits the duration of such temporary detention to 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law-enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the Department of Behavioral Health and Developmental Services to convene a work group to develop standard policies and procedures regarding medical temporary detention orders. This bill is identical to HB 1452. This bill received Governor's recommendations.

Patron - Deeds

P SB739 Acute psychiatric bed registry; information required to be reported. Directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of, the psychiatric bed registry in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 1, 2020. This bill is identical to HB 1453.

Patron - Deeds

P SB768 DBHDS; work group to study expanding the individuals who may conduct evaluations for temporary detention; report. Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to HB 1699.

Patron - Barker

Failed

F HB450 Appeal of involuntary admission order; possession of firearms; penalty. Provides that a person who is involuntarily admitted or ordered to mandatory outpatient treatment may not purchase, possess, or transport a firearm until his right to do so is restored by a court regardless of the outcome of any appeal of that order. A violation of this prohibition is a Class 1 misdemeanor. A third or subsequent offense is punishable as a Class 6 felony.

Patron - Levine

F HB589 Community services boards; funding formula; population and need. Adds the total population of the area served by each community services board and the level of need for services provided by a community services board among the population of the area served to the list of criteria the Department of Behavioral Health and Developmental Services must consider when allocating state-controlled funds to community services boards.

Patron - Guzman

F HB699 Mandatory outpatient treatment; rescission of order. Clarifies the types of evidence that may be considered by a court in determining whether continued mandatory outpatient treatment is warranted; clarifies the criteria that a court is required to consider when reviewing or determining whether to rescind or continue a mandatory outpatient order or order for mandatory outpatient treatment following inpatient treatment; provides that if a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment files a petition for rescission of the order, the court shall appoint an examiner to personally examine the person to determine whether he meets the criteria for inpatient admission or mandatory outpatient treatment; limits the frequency with which a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment may petition for review of such order to no more than once during each 90-day period following entry of such order; and makes clear that a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment remains in full force and effect unless rescinded by the court and that revocation of a person's agreement to abide by a mandatory outpatient treatment plan or discharge plan that has been approved by the court shall not rescind the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment.

Patron - Hope

F HB700 Mandatory outpatient treatment; consent. Eliminates the patient consent requirement for minors age 14 or older and adults before mandatory outpatient treatment may be ordered but there is no change in the requirement that a minor's parents must agree to abide by the minor's treatment plan.

Patron - Hope

F HB713 Mandatory outpatient treatment orders; judicial review conferences. Extends from 90 days to 180 days the maximum time period a court may order mandatory outpatient treatment for adults and juveniles. The bill provides that any order for mandatory outpatient treatment may include provisions for periodic reviews to monitor the person's (i) access to and satisfaction with services and supports provided under the treatment plan and (ii) compliance with the mandatory outpatient order. The district court judge or special justice

may require attendance at such conferences by the person, the community services board staff member responsible for monitoring the person's compliance with the order, and such other persons as deemed appropriate. If agreed upon by the person and monitoring community services board, the judge or special justice may (a) allow such review conferences to be conducted through an electronic video and audio or telephonic communication system and (b) make adjustments to the treatment plan.

Patron - Hope

F HB793 Persons on conditional release; tracking device; penalty. Provides that any person civilly committed as a sexually violent predator who alters, removes, or destroys any Global Positioning System (GPS) tracking device, or other similar device placed on such person as a condition of conditional release, is guilty of a Class 6 felony.

Patron - Askew

F HB829 Group homes; license application; notice. Requires persons applying for licensure as a group home with the Department of Behavioral Health and Developmental Services to provide notice to the local governing body, the general public, and residential occupants within one-half mile of the proposed location of the group home. The bill requires that such notices include a statement of intent to operate a group home and the address of the proposed location of the group home. The bill also requires (i) the Department to establish and maintain a process for receiving comments regarding such notices and (ii) the Commissioner of Behavioral Health and Developmental Services to consider all comments received within 30 days of the notice when deciding whether to grant the license application.

Patron - Sullivan

F HB855 Group home; definition. Defines "group home" for the purposes of licensure of private providers by the Departments of Social Services and Behavioral Health and Developmental Services and provides that "group home" does not include any facility licensed by the Department of Health.

Patron - Murphy

F HB918 Emergency custody and temporary detention orders; execution. Clarifies the meaning of the term "execute" for purposes of emergency custody and temporary detention orders, clarifies the scope of the medical evaluation of treatment that may be required by a facility of temporary detention, and provides that in cases in which an emergency custody or temporary detention order is not executed because of the time necessary to provide required medical evaluation and care, the facility shall notify the community services board.

Patron - Convirs-Fowler

F SB52 Opioid addiction treatment pilot program. Requires the Department of Behavioral Health and Developmental Services (the Department), in partnership with community services boards, a hospital licensed in the Commonwealth, and telemedicine networks, to establish a two-year pilot program in Planning District 12 designed to provide comprehensive treatment and recovery services to uninsured or underinsured individuals suffering from opioid addiction or opioid-related disorders. The bill requires the Department and its partners to collaborate with a work group established by the Department of interested stakeholders to develop the pilot program. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stanley

F SB315 Hospitals; emergency departments; screening patients for depression. Requires every hospital licensed by the Department of Health that operates an emergency department to develop a protocol for (i) screening each patient who receives services in the emergency department for depression and (ii) providing information about depression, symptoms of depression, services that may be available for individuals experiencing depression, and providers of such services to each patient for whom a screening indicates reason to believe the patient may be experiencing depression. The bill directs the Department to develop such information.

Patron - Kiggans

Carried Over

C HB702 Mandatory outpatient treatment; petition for review; efforts of the community services board. Clarifies that a community services board must make efforts to assist a person with complying with the provisions of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and that only in cases in which a person fails to comply with a mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment despite efforts of the community services board to assist the person may the community services board petition for review of the mandatory outpatient order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment.

Patron - Hope

C HB1026 Mandatory outpatient treatment; criteria. Eliminates the requirement that a person have a history of lack of compliance with treatment for mental illness that has, at least twice within the previous 36 months, resulted in the person being subject to an order for involuntary admission to be eligible for mandatory outpatient treatment following a period of involuntary inpatient treatment.

Patron - Adams, L.R.

C HB1351 Temporary detention; evaluation; who may perform. Expands the category of individuals who may evaluate a person who is the subject of an emergency custody order to determine whether the person meets the criteria for temporary detention to include any person described in the definition of "mental health professional" in § 54.1-2400.1 who (i) is skilled in the diagnosis and treatment of mental illness, (ii) has completed a certification program approved by the Department of Behavioral Health and Developmental Services, and (iii) complies with regulations of the Board of Behavioral Health and Developmental Services related to performance of such evaluations.

Patron - Watts

C SB569 Department of Behavioral Health and Developmental Services; Department of State Police; mobile applications; mental health and public safety. Requires the Department of Behavioral Health and Developmental Services (DBHDS) to develop or obtain a mental health mobile application to facilitate the provision of crisis intervention services by licensed clinicians to individuals in the Commonwealth through calls, texts, and online chat portals. The bill requires the mobile application to be integrated with the crisis intervention phone hotline established as part of System Transformation Excellence and Performance (STEP-VA). The Secretary of Health and Human Resources is directed to promote, market, and advertise the use of such application using existing resources.

The bill also requires the Department of State Police, in coordination with the Virginia Fusion Intelligence Center, to (i) develop or obtain a public safety mobile application to enable individuals in the Commonwealth to furnish confidential tips to the Department of State Police through text, audio, images, or video concerning a suspected, anticipated, or completed criminal violation or a school-related safety concern and (ii) develop a referral system to ensure that such confidential tips are referred to the appropriate law-enforcement agency, school board, threat assessment team, or other relevant entity. The Secretary of Public Safety and Homeland Security is directed to promote, market, and advertise the use of such application using existing resources.

The provisions of the bill related to an application developed by DBHDS have a delayed effective date of July 1, 2021. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Dunnivant

C SB1049 Involuntary commitment; notice and participation. Clarifies the role of individuals identified and requested by a person in the involuntary commitment process to assist him in the process. The bill sets out such authorized individuals' right to receive medical records, notice of hearings, and copies of orders and to participate in hearings and the discharge planning process.

Patron - Deeds

Civil Remedies and Procedure

Passed

P HB651 Recoupment. Specifies what actions qualify for statutory recoupment to include all defenses arising out of the transaction, whether such defenses are in law or equity. As introduced, the bill was a recommendation of the Boyd-Graves Conference. This bill received Governor's recommendations.

Patron - Hope

P HB780 Returns of service; acceptance of copies of proofs of service. Provides that a photocopy, facsimile, or other copy of the original proof of service shall be accepted by the clerk's office as if it were an original proof of service for the purposes of complying with the return of service process to the clerk's office, provided that the proponent provides a statement that any such copy is a true copy of the original.

Patron - Roem

P HB781 Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease. Provides that a diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease and that such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician. The bill is intended to reverse *Kiser v. A.W. Chesterton*, 285 Va. 12 (2013). This bill is identical to SB 661.

Patron - Mullin

P HB792 Appeals of right in general district court; appeals of final orders or judgements entered in the same action or related action. Provides that there shall be an appeal of right to a court of record from any order entered or judgment rendered in a general district court that alters, amends, overrules, or vacates any prior final order. The bill further provides

that if any party timely notices such an appeal, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action. As introduced, the bill was a recommendation of the Boyd-Graves Conference. This bill is identical to SB 545.

Patron - Simon

P HB834 Order of publication; electronic notice. Provides that a court may permit notice of an order of publication to be given by electronic means in addition to or in lieu of publication in a newspaper, under such terms and conditions as the court may direct. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Sullivan

P HB870 Statute of limitations; sexual abuse. Provides that for a cause of action accruing on or after July 1, 2020, every action for injury to the person resulting from sexual abuse shall be brought within 10 years after the cause of action accrues. This bill does not change the current 20-year statute of limitations for actions for injury to the person resulting from sexual abuse that occurred during the infancy or incapacity of such person.

Patron - Bourne

P HB1346 Claim for attorney fees. Aligns the provision for a claim for attorney fees to be paid out of money or property under control of the court with Rule 3:25 of the Rules of Supreme Court of Virginia by providing that the claim for such attorney fees shall be made in a complaint, petition, or other proceeding. The bill removes the provision that provides that such attorney fees may also be paid where the parties are notified in writing that application will be made to the court. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Bourne

P HB1378 Signature defects on pleadings, motions, and other papers. Clarifies that any pleading, motion, or other paper that is not properly signed is defective and voidable. The bill further provides that failure to timely raise signature defects waives any challenge based on such a defect and that a signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant, or the pleading, motion, or other paper that contains the signature defect shall be stricken. This bill is identical to SB 229.

Patron - Leftwich

P HB1605 Partition of property. Incorporates major provisions of the Uniform Partition of Heirs Property Act. The bill provides that in partition actions the court shall order an appraisal to determine fair market value of the property, unless the parties have agreed to the value of the property or to another valuation method. The bill also provides factors to be considered by the court when making an allotment of the property when there is a dispute among the parties. The bill further provides that if the court orders a sale of property in a partition action, the sale shall be conducted on the open market, unless the court finds that a sale by sealed bids or at auction would be more economically advantageous to the parties as a group. The bill outlines the procedure for such open-market sale. This bill is identical to SB 553.

Patron - Hope

P SB229 Signature defects on pleadings, motions, and other papers. Clarifies that any pleading, motion, or other paper that is not properly signed is defective and voidable. The bill further provides that failure to timely raise signature

defects waives any challenge based on such a defect and that a signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant, or the pleading, motion, or other paper that contains the signature defect shall be stricken. This bill is identical to HB 1378.

Patron - Petersen

P SB401 Immunity of persons at public hearing; attorney fees; costs. Allows for the award of reasonable attorney fees and costs to any person who has a subpoena against him quashed in an action for statements made at a public hearing before the governing body of a locality or other local entity when he is immune from liability for such statements. Current law provides for the award of attorney fees and costs upon the dismissal of such an action.

Patron - Hashmi

P SB408 Appeal from district court; protective orders; notice of hearing. Provides that the clerk of the appellate court to which an order of protection is appealed shall have the parties served with notice of the appeal stating the date and time of the hearing and that such a hearing shall not take place unless the appellee has been served or has waived service.

Patron - Hashmi

P SB415 Compensation for wrongful incarceration; annuity term. Provides that for a person wrongfully convicted of a felony who receives as compensation an annuity from the Commonwealth the annuity period shall be the person's life expectancy if his life expectancy is less than 25 years, if he so chooses. Under current law, the annuity period is 25 years for all such persons regardless of life expectancy.

Patron - Deeds

P SB433 Invocation of constitutional rights in domestic relations cases; adverse inference. Allows the trier of fact in a civil domestic relations proceeding to draw an adverse inference if a party or witness in such a proceeding refuses to answer a question regarding adultery on the grounds that such testimony might be self-incriminating.

Patron - Surovell

P SB545 Appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action. Provides that there shall be an appeal of right to a court of record from any order entered or judgment rendered in a general district court that alters, amends, overrules, or vacates any prior final order. The bill further provides that if any party timely notices such an appeal, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action. This bill is identical to HB 792.

Patron - Edwards

P SB553 Partition of property. Incorporates major provisions of the Uniform Partition of Heirs Property Act. The bill provides that in partition actions the court shall order an appraisal to determine fair market value of the property, unless the parties have agreed to the value of the property or to another valuation method. The bill also provides factors to be considered by the court when making an allotment of the property when there is a dispute among the parties. The bill further provides that if the court orders a sale of property in a partition action, the sale shall be conducted on the open market, unless the court finds that a sale by sealed bids or at auction would be more economically advantageous to the parties as a group. The

bill outlines the procedure for such open-market sale. This bill is identical to HB 1605.

Patron - Ruff

P SB640 Unlawful detainer; expungement. Creates a process by which unlawful detainer actions filed in a general district court that have been dismissed or nonsuited may be expunged upon request of the defendant to such action. The bill has a delayed effective date of January 1, 2022.

Patron - Surovell

P SB661 Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease. Provides that a diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease and that such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician. The bill is intended to reverse *Kiser v. A.W. Chesteron*, 285 Va. 12 (2013). This bill is identical to HB 781.

Patron - Surovell

P SB693 Common-law defense of intra-family immunity; abolished in certain cases. Abolishes the common-law defense of intra-family immunity for wrongful death actions that accrue on or after July 1, 2020.

Patron - Obenshain

P SB752 Virginia Fraud Against Taxpayers Act; illegal gambling device. Adds possession of an illegal gambling device and knowingly concealing, avoiding, or decreasing an obligation to pay or transmit money to the Commonwealth that is derived from the operation of such device to the list of violations for which a civil penalty may be assessed against a person who is found to have committed any such violation.

Patron - Reeves

P SB771 Interlocutory appeals; immunity. Provides that, when the circuit court has entered in any pending civil action an order or decree that is not otherwise appealable, a party may file in such court a motion requesting that the court certify such order or decree for interlocutory appeal. The bill further provides that if such certification is opposed by any party the parties may brief the motion. Within 15 days of the entry of an order granting such certification, a petition for appeal may be filed with the appellate court having jurisdiction from a final judgment in the proceeding. Current law specifies that such petition must be filed within 10 days of such certification. The bill further provides that when, prior to the commencement of trial, the circuit court has entered an order granting or denying a plea of sovereign, absolute, or qualified immunity that, if granted, would immunize the movant from compulsory participation in the proceeding, the order is eligible for immediate appellate review. The bill specifies that any person aggrieved by such order may file a petition for review with the appropriate appellate court. The bill provides that the failure of a party to seek interlocutory review shall not preclude review of the issue on appeal from a final order and that an order denying such review shall not preclude review of the issue on appeal from a final order. As introduced, the bill was a recommendation of the Boyd-Graves Conference.

Patron - Stanley

P SB1032 Civil actions; determination of indigency. Sets out the factors to be considered by the court in its determination of a person's indigency for the purpose of determining inability to pay fees or costs in a civil action. The bill also provides that a person is presumed unable to pay if he is a

current recipient of a state or federally funded public assistance program or he is represented by a legal aid society. The bill provides that the presumption is rebuttable except in the case of a no-fault divorce.

Patron - Hashmi

Failed

F HB162 Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity. Provides that (i) if the Commonwealth designates any property owned by it or (ii) if any locality designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone.

Patron - McGuire

F HB290 Limitations period; previously time-barred actions; sexual abuse; three-year time period to file. Creates a three-year time period within which persons previously time-barred from filing an action for injury to such person for sexual abuse occurring during the infancy or incapacity of such person due to the expiration of the statute of limitations may file such an action.

Patron - Gooditis

F HB588 Legal notices; online publications. Provides that where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication.

Patron - Guzman

F HB628 Sanctions; improper purpose; claims filed in retaliation for certain actions. Provides that for the purpose of awarding sanctions improper purpose includes certain claims filed in retaliation for or in order to discourage actions taken by victims of violence to obtain an order of protection or criminal charges based on such conduct.

Patron - Hurst

F HB650 Naloxone; possession and administration. Provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, provided the administration is in good faith and absent gross negligence or willful and wanton misconduct. This bill was incorporated into HB 908.

Patron - Hope

F HB759 Strategic lawsuits against public participation; special motion to dismiss; stay of discovery; fees and costs. Establishes a procedure by which a party alleging that a claim filed against him is a strategic lawsuit against public participation (SLAPP), as defined in the bill, may file a special motion to dismiss. The bill provides that the filing of such a special motion to dismiss shall stay discovery proceedings related to the claim, pending the entry of an order adjudicating the special motion to dismiss. The bill provides that a court shall award reasonable expenses related to a special motion to dismiss, including attorney fees and costs, if the moving party prevails, in whole or in part, on such a special motion. The bill allows the court to award such reasonable expenses to a prevailing responding party to a special motion to dismiss if the

court finds that such a motion was filed in bad faith or solely with the intent to delay the underlying proceedings.

Patron - VanValkenburg

F HB1020 Records of financial institutions; reimbursement of costs for production. Provides that a financial institution that is asked to provide records related to a customer of the financial institution pursuant to a court proceeding shall be reimbursed by the requesting party for the reasonably necessary and directly incurred costs for the production of such records.

Patron - Adams, L.R.

F HB1206 Guardian ad litem; compensation; order of the court. Provides that in any civil action in which a guardian ad litem is appointed and for which the compensation and payment of expenses of such guardian ad litem are not otherwise provided for, a court may order that such compensation and expenses be paid by the Commonwealth for good cause shown.

Patron - Tran

F SB267 Limitation on recovery; manufacture, distribution, or prescription of opioids. Eliminates the limitation on the total amount of (i) punitive damages against a manufacturer or distributor of opioids or (ii) damages for medical malpractice against a health care provider for the prescription of opioids in excess of the recommended dosage or quantity that can be awarded in an action arising out of injury to or death of a person as a result of such person's use of such opioids.

Patron - Bell

F SB375 Immunity of persons; statements regarding matters of public concern or made at a public hearing; special plea to dismiss; stay of discovery. Provides that a person claiming immunity from certain claims for making statements at a public hearing or regarding matters of public concern may file a special plea to dismiss the underlying claim. The bill further provides that, upon the filing of such a plea, discovery related to such underlying claim shall be stayed pending the entry of an order adjudicating the plea.

Patron - Edwards

F SB529 Admissibility of statements of a deceased or incompetent party; hearsay exception. Provides that statements made by a deceased or incompetent party when such party was competent shall not be excluded as inadmissible hearsay, provided that such statements are relevant and otherwise admissible. Under current law, such statements are admissible provided that they are relevant. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Edwards

F SB659 Contributory negligence; motor vehicle accident involving a pedestrian, bicyclist, etc. Provides that the negligence of a pedestrian, bicyclist, or other person lawfully using a device other than a motor vehicle on a public highway who is involved in a collision with a motor vehicle shall not bar a plaintiff's recovery in any civil action unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury.

Patron - Surovell

F SB677 Records of financial institutions; reimbursement of costs for production. Provides that a financial institution that is asked to provide records related to a customer of the financial institution pursuant to a court proceeding shall

be reimbursed by the requesting party for the reasonably necessary and directly incurred costs for the production of such records.

Patron - Mason

F SB985 Unconstitutional laws; attorney fees and costs. Provides that in any litigation in which the constitutionality of a law of the Commonwealth is at issue and in which the court finds that the law is unconstitutional, the Commonwealth shall reimburse the aggrieved party for attorney fees and costs.

Patron - DeSteph

F SB1009 Firearm-free zones designated by the Commonwealth or a locality; regulation of weapons; waiver of sovereign immunity. Provides that (i) if the Commonwealth designates any property owned by it as a firearm-free zone or (ii) if any locality designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone. The bill further provides that if the Commonwealth or a locality adopts any ordinance, rule, policy, or regulation regulating weapons, the Commonwealth or locality assumes an affirmative duty to protect invitees lawfully on the premises of the Commonwealth or locality and establishes a waiver of sovereign immunity for any governmental entity or official responsible for such regulation.

Patron - Chase

F SB1043 Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. Under current law, such order is permitted only where six or more plaintiffs have filed such actions. The bill further requires the Supreme Court to promulgate rules no later than November 1, 2020, governing such actions. The bill has a delayed effective date of July 1, 2021.

Patron - Surovell

Carried Over

C HB76 Statute of limitations on written contract; missing persons declared dead; executor. Provides that, for any action that would be barred by the five-year statute of limitations on a written contract, wherein a person who would be party to such action was a missing person presumed dead and subsequently declared dead by court order, the executor of such person's estate has one year from the entry of such order to bring such an action, provided that a cause of action accrued on or after the date upon which such person went missing.

Patron - Edmunds

C HB127 Bystander claims for intentional or negligent infliction of injury or death; emotional distress. Provides that a bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without a physical impact or physical injury to the bystander, if (i) the bystander is related to the victim or (ii) although not related to the victim, the bystander is in close proximity to the victim at the time the event occurs and is

aware that such event is causing injury to or the death of the victim.

Patron - Miyares

C HB610 **Limitations period; previously time-barred actions; sexual abuse; two-year time period to file.** Creates a two-year time period, on or after July 1, 2020, but before July 1, 2022, within which persons previously time-barred from filing an action for injury to such person for sexual abuse occurring during the infancy or incapacity of such person due to the expiration of the statute of limitations may file such an action.

Patron - Miyares

C HB712 **Legal notices; online publications.** Provides that where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill.

Patron - Hope

C SB285 **Bystander claims for intentional or negligent infliction of injury or death; emotional distress.** Provides that a bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without a physical impact or physical injury to the bystander, if (i) the bystander is related to the victim or (ii) although not related to the victim, the bystander is in close proximity to the victim at the time the event occurs and is aware that such event is causing injury to or the death of the victim.

Patron - Deeds

C SB641 **Civil action; sale of personal data.** Requires a person that disseminates, obtains, maintains, or collects personal data about a consumer for a fee to implement security practices to protect the confidentiality of a consumer's personal data, obtain express consent of a parent of a minor before selling the personal data of such minor, provide access to consumers to their own personal data that is held by the entity, refrain from maintaining or selling data that it knows to be inaccurate, and provide a means by which a consumer can opt out of the sale of his personal data. The bill provides that a violation could result in a civil penalty of up to \$7,500 or damages to be awarded to a consumer. The bill also provides for the award of attorney fees and costs.

Patron - Surovell

C SB699 **Juries; fine for failure to respond to questionnaire.** Permits a court to fine a person no more than \$200 for failure to respond to a request from a jury commissioner or clerk of court containing questions to ascertain such person's eligibility to serve on a jury. The bill provides that prior to assessing such fine, the court may issue a rule to show cause regarding why the person failed to respond to the request.

Patron - Obenshain

C SB1060 **Dismissal of action by court without prejudice.** Provides that, for good cause shown or upon agreement of all parties, the court may dismiss an action without prejudice and the plaintiff may recommence such action within the original period of limitation.

Patron - Petersen

Commonwealth Public Safety

Passed

P HB51 **Line of Duty Act; eligible dependents.** Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if their birth or adoption occurred after the time of the employee's death or disability, but prior to July 1, 2017. Under current law, such children are not eligible unless they were adopted pursuant to a preadoptive agreement entered into prior to the death or disability. This bill is identical to SB 40.

Patron - Knight

P HB246 **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 follows identified best practices and is consistent with Virginia law and regulations, using as guidance the model policy established by the Department of Criminal Justice Services prior to purchasing or deploying a body-worn camera system. The bill also requires localities to make such policy available for public comment and review prior to its adoption. 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

P HB253 **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 if the offense was committed on or after July 1, 2020. The bill contains technical amendments.

Patron - Watts

P HB422 **Youth and Gang Violence Prevention Grant Fund and Program; creation.** Establishes the Youth and Gang Violence Prevention Grant Fund and Program, to be administered by the Department of Criminal Justice Services, for the purpose of awarding grants to the Cities of Hampton, Newport News, Norfolk, Portsmouth, Richmond, and Roanoke for the purpose of performing community assessments for youth and gang violence prevention. Grants are to be awarded in an amount of \$25,000 to each city to perform such an assessment. No more than \$150,000 per year shall be allocated by the Program.

Patron - Price

P HB475 **Virginia sexual assault forensic examiner coordination program.** Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill requires the head of the program to create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing

and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Mullin

HB1022 **Definition of criminal justice agency; Virginia Criminal Sentencing Commission.** Specifies that the Virginia Criminal Sentencing Commission is a criminal justice agency.

Patron - Adams, L.R.

HB1231 **Department of Criminal Justice Services; crisis intervention team training.** Adds the Department for Aging and Rehabilitative Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program for all persons involved in the crisis intervention team programs and requires the curriculum for such training program to include a module on brain injury as part of the four hours of mandatory training in legal issues. This bill is identical to SB 494.

Patron - Wilt

HB1419 **School resource officers and school security officers; training standards.** Requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as physical alternatives to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. This bill is identical to SB 171.

Patron - Jones

HB1499 **Virginia Gun Violence Intervention and Prevention Fund.** Establishes the Virginia Gun Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting gun violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs.

Patron - Bourne

SB40 **Line of Duty Act; eligible dependents.** Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if their birth or adoption occurred after the time of the employee's death or disability, but prior to July 1, 2017. Under current law, such children are not eligible unless they were adopted pursuant to a preadoptive agreement entered into prior to the death or disability. This bill is identical to HB 51.

Patron - DeSteph

SB248 **Virginia Gun Violence Intervention and Prevention Fund.** Establishes the Virginia Gun Violence

Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs.

Patron - Favola

SB373 **Virginia sexual assault forensic examiner coordination program.** Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill provides that the coordinator of the program shall create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth.

Patron - Deeds

SB492 **Sex offenses requiring registration.** Clarifies the registration and reregistration obligations imposed upon a person convicted of a foreign sex offense for the purposes of registration with the Sex Offender and Crimes Against Minors Registry.

Patron - Surovell

SB494 **Department of Criminal Justice Services; crisis intervention team training.** Adds the Department for Aging and Rehabilitative Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program for all persons involved in the crisis intervention team programs and requires the curriculum for such training program to include a module on brain injury as part of the four hours of mandatory training in legal issues. This bill is identical to HB 1231.

Patron - Edwards

SB579 **Sex Offender and Crimes Against Minors Registry.** Makes numerous changes to the provisions governing the Sex Offender and Crimes Against Minors Registry. The bill changes the number of classifications of offenders who are required to register under the Registry to match the number of classifications under federal law and redesignates the classifications as Tier I, Tier II, and Tier III offenses. The bill also streamlines the reregistration process, eliminates the need for lower-level offenders to reregister annually, and allows offenders to electronically verify their registration information.

Patron - Howell

SB1024 **Detector canines and detector canine handlers; training and database.** Requires the Department of Criminal Justice Services to establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of canines used by the Department of Corrections, and a database on the performance and effectiveness of detec-

tor canines. The bill requires that correctional officers employed by the Department of Corrections comply with such requirements.

Patron - Peake

Failed

F HB423 Gun Violence Survivor Assistance Fund and Grant Program. Establishes the Gun Violence Survivor Assistance Fund and Grant Program, to be administered by the Department of Criminal Justice Services for the purpose of providing grants to gun violence survivors who are in need of financial assistance to make accessibility adaptations to their homes to accommodate a disability resulting from a gun violence-related injury.

Patron - Price

F HB606 Department of Criminal Justice Services; powers and duties; human trafficking training. Directs the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors on recognizing the signs of human trafficking and how to respond appropriately. The bill also defines "hotel" and "hotel proprietor."

Patron - Miyares

F HB816 Department of Criminal Justice Services; criminal cases; data collection and reporting standards; report. Requires the Department of Criminal Justice Services (the Department) to create uniform reporting mechanisms for appropriate criminal justice agencies in every locality to collect data relating to criminal defendants, alleged criminal offenses, bail determinations, and sentencing in criminal cases in the Commonwealth. The bill provides that collected data shall be disaggregated by locality and by individual and that in order to maintain anonymity of the individual, localities shall use a unique identifier to identify each individual. The bill sets out the minimum data the Department is required to collect. The bill requires the Department to submit an annual report on the data collected to the Governor and the General Assembly on or before December 31 and requires that the annual report be posted on the General Assembly's and the Department's website.

Patron - Hope

F HB1481 Department of Criminal Justice Services; Security Enhancement Grant Fund. Establishes the Security Enhancement Grant Fund within the Department of Criminal Justice Services to provide grants to enhance security for places of worship.

Patron - Gooditis

F HB1563 Sex offenders in emergency shelters; notification registration penalty. 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 the shelter's staff that such person is 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. The bill provides that the shelter's staff may request a law-enforcement officer or agency to access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information to ensure the safety of all persons in the shelter. The bill also provides that the state emergency operations plan and each political subdivision emergency operations plan shall (i) set forth the procedures for persons required to register or re-regis-

ter who enter an emergency shelter to provide the required notification and (ii) provide for the accommodation in an emergency shelter of persons required to register or reregister with due regard to the health and safety of all persons in the emergency shelter. The bill requires that the Department of State Police provide to any registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.

Patron - Leftwich

F SB55 Sex offenders in emergency shelters; notification; penalty. 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.

Patron - Cosgrove

F SB319 Security of public property. Provides that any property owned by the Commonwealth or any political subdivision of the Commonwealth, or used by a public body, where firearms have been prohibited by law shall have law-enforcement officers or armed security officers on the premises to provide security services.

Patron - Chase

F SB716 Secretary of Public Safety and Homeland Security and the Office of the Executive Secretary; creation and implementation of policies for people with developmental disabilities. Requires the Secretary of Public Safety and Homeland Security to create and implement policies that recognize and make accommodations for people encountering the criminal justice system with developmental disabilities. The bill also requires the Office of the Executive Secretary to create and implement policies that recognize and make accommodations for people with developmental disabilities, for use by judges in determining case outcomes.

Patron - McClellan

F SB999 Law-Enforcement Officers Procedural Guarantee Act. Makes several changes to the process and procedures afforded to law-enforcement officers under the Law-Enforcement Officers Procedural Guarantee Act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

Patron - Chase

F SB1091 Authorization of volunteer school security officers by local school boards and private or religious schools. Authorizes volunteer school security officers to carry firearms at schools in performance of their duties.

Patron - Stanley

Carried Over

C **HB845** **Definition of law-enforcement officer; certain employees of the Washington Metropolitan Area Transit Authority.** Adds special agents employed by the Washington Metropolitan Area Transit Authority Office of the Inspector General to the definition of law-enforcement officer. The bill also grants such individuals the same authority and power as sheriffs to enforce the laws of the Commonwealth. Such individuals shall not be eligible for Line of Duty Act benefits.

Patron - Krizek

C **HB1687** **Violence Intervention and Prevention Fund and Grant Program; firearm and ammunition tax.** Establishes the Violence Intervention and Prevention Fund (the Fund), to be administered by the Department of Criminal Justice Services (the Department), to distribute grants to localities and organizations for the purpose of improving public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly homicides, shootings, and aggravated assaults. Funds may also be used to finance the hiring of counselors in public elementary and secondary schools and research initiatives that have the objective of reducing gun violence.

The bill provides that the Department shall issue grants on a competitive basis. As a condition of receiving a grant, a locality or organization must commit a cash or in-kind contribution equivalent to the amount of the grant, with waivers allowed for good cause, and report on its progress toward achieving the grant's objectives. The bill requires the Department to provide public access to such reports.

The bill imposes a 15 percent tax on the sale of any firearm or ammunition, with all revenue from the tax accruing to the Fund. Sales to state or local agencies or law-enforcement officers are exempt from the tax.

Patron - Rasoul

Conservation

Passed

P **HB5** **Clinch State Scenic River.** Designates a 66.8-mile segment of the Clinch River in Tazewell and Russell Counties as part of the Clinch State Scenic River, a component of the Virginia Scenic Rivers System. The bill provides that nothing shall preclude the continued operation and maintenance of existing dams in the designated section of river. The bill contains a technical amendment. This bill is identical to SB 478.

Patron - Morefield

P **HB22** **Virginia Community Flood Preparedness Fund; loan and grant program.** Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund (the Fund), directs the Department of Conservation and Recreation to administer the Fund, and authorizes localities to lend or grant money from the Fund to implement flood prevention and protection projects and studies. The bill requires that at least 25 percent of the money disbursed from the Fund each year be used for projects in low-income geographic areas. The measure also authorizes any locality to forgive the principal of a loan it grants in a low-income geographic area so long as the total amount of loans

forgiven by all localities does not exceed 30 percent of the amount appropriated to the Fund during the fiscal year. The bill provides that any locality that forgives such a loan remains obligated to pay the principal to the Commonwealth. This bill incorporates HB 751 and is identical to SB 320. This bill received Governor's recommendations.

Patron - Lindsey

P **HB210** **Historical African American cemeteries; Montgomery County and City of Radford.** Adds two cemeteries in Montgomery County and one cemetery in the City of Radford 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 Wake Forest Cemetery, which contains 40 eligible graves, and the Westview Cemetery, which contains 47 eligible graves, in Montgomery County and the Mountain View Cemetery, which contains 91 eligible graves, in the City of Radford.

Patron - Hurst

P **HB314** **Historical African American cemeteries; Loudoun County.** Adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County, with 33 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 - Gooditis

P **HB533** **Expanded polystyrene food service containers; prohibition; civil penalty.** Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts non-profit organizations from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. This bill incorporates HB 1046 and HB 1347 and contains a reenactment clause.

Patron - Carr

P **HB668** **Field investigations permit; archaeologist qualifications; penalty.** Establishes standards for education, experience, ability, and other factors for a field supervisor who is identified in an application to the Director of the Department of Conservation and Recreation for a permit to conduct a field investigation, exploration, or recovery operation involving any object of antiquity on state-controlled land or on a state archaeological site or zone. The bill provides that the Director may consider the field supervisor's performance on any prior permitted investigation in determining whether the person meets such standards. The bill provides that conducting an investigation without a permit or willfully misrepresenting information (i) on a permit application or (ii) collected during a permitted field investigation is a crime punishable as a Class 1 misdemeanor.

Patron - Mullin

P HB886 State Trails Advisory Committee; sunset. Extends from January 1, 2021, to January 1, 2027, the sunset of the State Trails Advisory Committee. The committee assists the Commonwealth in developing and implementing a state-wide system of attractive, sustainable, connected, and enduring trails for the perpetual use and enjoyment of the citizens of the Commonwealth and future generations.

Patron - Plum

P HB981 Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs. The bill authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill also provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The bill authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers and continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. This bill incorporates HB 20 and HB 1152 and is identical to SB 1027. This bill received Governor's recommendations.

Patron - Herring

P HB1042 Virginia Council on Environmental Justice; established. Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 21 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. This bill is identical to HB 1042.

Patron - Herring

P HB1136 Department of Environmental Quality; Hazardous Waste Site Inventory. Directs the Department of Environmental Quality to compile and maintain a Hazardous Waste Site Inventory, consisting of a list of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste has occurred. The bill requires the Inventory to be published by July 1, 2021, and updated annually.

Patron - Lopez

P HB1145 Scenic river designation. Designates a 17-mile segment of the Pound River in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System.

Patron - Wampler

P HB1162 Department of Environmental Quality; environmental justice. Provides that one of the purposes of the Department of Environmental Quality is to further environmental justice, as defined in the bill.

Patron - Lopez

P HB1164 Department of Environmental Quality; policy statement. Adds provisions for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies in the statement of the Department of Environmental Quality's purpose. The bill also adds the enhancement of the environment and the promotion of the health and well-being of the Commonwealth's residents and visitors to the Department's policy goals.

Patron - Lopez

P HB1352 Solid waste disposal; unpermitted sites and open dumps; regulation and cleanup. Prohibits the disposal of solid waste in an unpermitted facility and provides that the presence of unpermitted solid waste on a person's property is prima facie evidence that the person allowed solid waste to be disposed of on his property without a permit. The bill adds open dumps to the types of site that the Department of Environmental Quality is authorized to require to be cleaned up and provides that the party responsible for such cleanup shall include any party who caused the site to become an open dump or caused the improper management of waste at the site. The bill contains technical amendments.

Patron - Gooditis

P HB1422 Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion. Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. The measure also directs the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

Patron - Plum

P HB1523 Historical African American Cemeteries and Graves Fund. Creates the Historical African American Cemeteries and Graves Fund and provides that any funds that are appropriated to the Department of Historic Resources

but not used for the maintenance of graves, in particular the listed historical African American cemeteries, shall be deposited in the Fund. The bill authorizes the Director of the Department to manage and administer the Fund and to disburse moneys in the Fund to maintain additional graves that have been certified by the Department and documented in the Department's cultural resources database.

The bill also adds six cemeteries to the list of cemeteries for which qualified organizations may receive funds from the Department. The cemeteries are Cuffeytown Cemetery in the City of Chesapeake, with 52 eligible graves; Newtown Cemetery in the City of Harrisonburg, with 400 eligible graves; Stanton Family Cemetery in Buckingham County, with 36 eligible graves; and three cemeteries in Arlington County: Calloway Cemetery, with 29 eligible graves, Lomax Cemetery, with 66 eligible graves, and Mount Salvation Cemetery, with 29 eligible graves. This bill incorporates HB 379, HB 905, HB 1234, and HB 1593 and is identical to SB 881.

Patron - McQuinn

P HB1598 James State Scenic River designation. Adds a 20-mile portion of the James River located in Albemarle, Buckingham, and Fluvanna Counties to the James State Scenic River, a component of the Virginia Scenic Rivers System.

Patron - Fariss

P HB1601 Staunton State Scenic River designation. Adds the 11.5-mile segment of the Staunton River between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. The segment of the Staunton River upstream of the U.S. Route 360 bridge to State Route 761 at the Long Island Bridge, a distance of approximately 51.3 miles, adjoins the new segment and is designated as a scenic river in current law, making a total distance of approximately 62.8 miles of the Staunton River a component of the Virginia Scenic Rivers System.

Patron - Edmunds

P HB1612 Virginia Scenic Rivers System; Grays Creek. Designates a six-mile portion of Grays Creek in Surry County as a component of the Virginia Scenic Rivers System. This bill is identical to SB1090.

Patron - Brewer

P HB1622 Open-Space Lands Preservation Trust Fund; acquisition of interests in property. Authorizes the Virginia Outdoors Foundation, in administering the Open-Space Lands Preservation Trust Fund, to provide grants to persons conveying to the Foundation fee simple title or other rights, interests, or privileges in property on agricultural, forestal, or other open-space land and to provide grants to localities acquiring such interests. Current law authorizes the Foundation to provide such grants for the acquisition of open-space and conservation easements.

Patron - Plum

P HB1639 Department of Environmental Quality; work group to research rural fill disposal. Directs the Department of Environmental Quality (DEQ) to convene a work group to research the practice of rural landowners allowing, or allowing for compensation, the use of their lands as disposal sites for construction fill and debris from road construction and development projects. The work group shall consider recommending regulations for possible adoption by DEQ, including a regulation containing a model ordinance relating to the practice for adoption by localities, and statutory

changes, including changes to the practice related to agricultural engineering operations and construction of terraces.

Patron - Guzman

P HB1641 Coal ash ponds; private wells and public water supply wells; resident notification. Requires a utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to complete a survey of all private wells and public water supply wells within 1.5 miles of each of its ponds by October 1, 2020, and to notify residents via mail and a local newspaper posting that the survey will be conducted.

Patron - Ayala

P HB1642 Coal ash ponds; well monitoring program; well testing. Requires each utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to commission an independent well water test on behalf of the owner of any private well or public water supply well located within 1.5 miles of such coal ash pond by January 1, 2021, and requires such test to be conducted once per year during each of the five years following the approval of the closure of the coal ash pond and once every five years thereafter. The bill provides that if any test exceeds any U.S. Environmental Protection Agency Maximum Contaminant Level for drinking water, the utility shall provide water treatment or alternative water supplies, potentially including a connection to a city or county water utility, to the owner of the well.

Patron - Ayala

P HB1695 Wildlife Corridor Action Plan; road construction projects. Directs the Department of Game and Inland Fisheries, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, to create a Wildlife Corridor Action Plan (the Plan). The Plan shall identify wildlife corridors, defined as areas connecting fragmented wildlife habitats that are separated by human activities or infrastructure, and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity. The bill requires the Plan to be submitted to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by September 1, 2022, and every four years thereafter. The bill also provides that the Department of Transportation shall (i) include the impact on any wildlife corridor identified in the Plan in any environmental impact report for a highway construction project and (ii) consider measures for the mitigation of harm caused to wildlife by a highway in the design options for the construction of such highway. This bill is identical to SB 1004.

Patron - Bulova

P SB320 Virginia Community Flood Preparedness Fund; loan and grant program. Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund (the Fund), directs the Department of Conservation and Recreation to administer the Fund, and authorizes localities to lend or grant money from the Fund to implement flood prevention and protection projects and studies. The bill requires that at least 25 percent of the money disbursed from the Fund each year be used for projects in low-income geographic areas. The measure also authorizes any locality to forgive the principal of a loan it grants in a low-income geographic area so long as the total amount of loans forgiven by all localities does not exceed 30 percent of the amount appropriated to the Fund during the fiscal year. The bill provides that any locality that forgives such a loan remains obligated to pay the principal to the Commonwealth. This bill

is identical to HB 22. This bill received Governor's recommendations.

Patron - Lewis

P SB478 Clinch State Scenic River. Designates a 66.8-mile segment of the Clinch River in Tazewell and Russell Counties as part of the Clinch State Scenic River, a component of the Virginia Scenic Rivers System. The bill provides that nothing shall preclude the continued operation and maintenance of existing dams in the designated section of river. The bill contains a technical amendment. This bill is identical to HB 5.

Patron - Chafin

P SB674 Voluntary forest mitigation agreements. Authorizes the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation to enter into an agreement, with certain minimum provisions, with the owner or operator of construction projects to accomplish forest mitigation, as defined in the bill. The bill provides that no such agreement shall (i) include any waiver of liability for environmental damage caused by the construction project or (ii) guarantee regulatory approval for a construction project by any state agency.

Patron - Mason

P SB773 Heritage trail for motor racing locations in Virginia. Directs the Virginia Tourism Corporation to convene a group of stakeholders to initiate the creation, design, and implementation of a NASCAR and motor vehicle racing heritage trail.

Patron - Stanley

P SB881 Historical African American Cemeteries and Graves Fund. Creates the Historical African American Cemeteries and Graves Fund and provides that any funds that are appropriated to the Department of Historic Resources but not used for the maintenance of graves, in particular the listed historical African American cemeteries, shall be deposited in the Fund. The bill authorizes the Director of the Department to manage and administer the Fund and to disburse moneys in the Fund to maintain additional graves that have been certified by the Department and documented in the Department's cultural resources database.

The bill also adds six cemeteries to the list of cemeteries for which qualified organizations may receive funds from the Department. The cemeteries are Cuffeytown Cemetery in the City of Chesapeake, with 52 eligible graves; Newtown Cemetery in the City of Harrisonburg, with 400 eligible graves; Stanton Family Cemetery in Buckingham County, with 36 eligible graves; and three cemeteries in Arlington County: Calloway Cemetery, with 29 eligible graves, Lomax Cemetery, with 66 eligible graves, and Mount Salvation Cemetery, with 29 eligible graves. This bill is identical to HB 1523.

Patron - Locke

P SB883 Virginia Council on Environmental Justice; established. Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill directs that 21 members of the Council be appointed by the Governor and six be specified Cabinet Secretaries. This bill received Governor's recommendations.

Patron - Locke

P SB1004 Wildlife Corridor Action Plan; road construction projects. Directs the Department of Game and Inland Fisheries, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, to create a Wildlife Corridor Action Plan (the Plan). The Plan shall identify wildlife corridors, defined as areas connecting fragmented wildlife habitats that are separated by human activities or infrastructure, and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity. The bill requires the Plan to be submitted to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by September 1, 2022, and every four years thereafter. The bill also provides that the Department of Transportation shall (i) include the impact on any wildlife corridor identified in the Plan in any environmental impact report for a highway construction project and (ii) consider measures for the mitigation of harm caused to wildlife by a highway in the design options for the construction of such highway. This bill is identical to HB 1695.

Patron - Marsden

P SB1027 Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs. The bill authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill also provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The bill authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers and continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. This bill is identical to HB 981. This bill received Governor's recommendations.

Patron - Lewis

P SB1048 Department of Agriculture and Consumer Services; public assistance and operation of the Virginia Horse Center Foundation. Directs the Department of Agriculture and Consumer Services to investigate and negotiate involvement of the Commonwealth in the whole or partial operation or management of the Virginia Horse Center Foundation, including the addition of state-appointed members to the Board of Directors of the Foundation. The bill prohibits

expenditure of state funds for the purchase, transfer, or lease of real property related to the investigation unless specifically appropriated for that purpose or approved by the General Assembly.

Patron - Deeds

[P] SB1075 State Air Pollution Control Board; public notification. Requires that the Air Pollution Control Board require the applicant to take certain public notice actions, prior to granting any variance to an existing regulation or issuing any permit for (i) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (ii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a new fossil fuel-fired compressor station facility used to transport natural gas, or (iv) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas, if the Board finds that there is a locality particularly affected by such variance or permit.

Patron - McClellan

[P] SB1090 Virginia Scenic Rivers System; Grays Creek. Designates a six-mile portion of Grays Creek in Surry County as a component of the Virginia Scenic Rivers System. This bill is identical to HB 1612.

Patron - Norment

[P] SB1094 Property conveyance; Department of Conservation and Recreation; New River Trail State Park. Authorizes the Department of Conservation and Recreation to convey certain property that was previously conveyed to it by Norfolk Southern Railroad for the New River Trail State Park.

Patron - Deeds

Failed

[F] HB110 Regional Greenhouse Gas Initiative; trading allowance reserve account; facilities with long-term contracts. Provides that if the Commonwealth becomes a participant in the Regional Greenhouse Gas Initiative or another carbon dioxide cap and trade program with an open auction of allowances, the Department of Environmental Quality shall establish an allowance reserve account for any electric generation facility that operates according to a long-term contract that was executed prior to May 16, 2017, and prohibits the recovery of allowance costs. The bill provides that such a facility shall be allocated free allowances from the reserve account sufficient to cover its annual compliance obligation for the duration of the long-term contract.

Patron - Ware

[F] HB205 Small renewable energy projects; permit by rule process. Provides that any proposed wind energy project with a project boundary located less than two miles from a jurisdictional boundary is not qualified for a permit by rule from the Department of Environmental Quality. The measure also (i) requires the engineering certification for a wind energy project to state the amount of energy projected to be generated by the facility, on an annual average basis, based on wind studies conducted at the proposed project site for a minimum of two years; (ii) requires the Department to hold a public hearing; (iii) limits eligibility for wind-powered generation facilities to make use of the permit by rule process to those that have a rated capacity not exceeding 100 megawatts and disturb fewer than 50 acres in the complete construction of the project including access roads; and (iv) reduces the maximum capacity for facilities that generate electricity only from sunlight from 150 megawatts to 100 megawatts.

Patron - Campbell, R.R.

[F] HB297 Goat grazing on stream buffers. Authorizes a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program. The bill also clarifies that such grazing is not prohibited by certain provisions of the State Water Control Law.

Patron - Gooditis

[F] HB379 Historical African American cemeteries; Arlington County. Adds three cemeteries in Arlington 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 Calloway Cemetery, containing 29 eligible graves, Lomax Cemetery, containing 66 eligible graves, and Mount Salvation Cemetery, containing 29 eligible graves. This bill was incorporated into HB 1523.

Patron - Sullivan

[F] HB434 State parks; lifetime senior parking pass. Directs the Department of Conservation and Recreation to establish a lifetime senior parking pass card that authorizes any person who has paid a one-time fee and has reached the age of 60 to park at any of Virginia's state parks without being required to pay a parking fee at any such park.

Patron - Robinson

[F] HB525 Greenhouse gas inventory. Directs the State Air Pollution Control Board to conduct a statewide inventory of greenhouse gas (GHG) emissions from all sectors using methods developed by the Department of Environmental Quality consistent with recommendations of the U.S. Environmental Protection Agency and the U.N. Intergovernmental Panel on Climate Change. The bill requires the Board to include the inventory in a currently required annual report by October 1, 2021, and to publish the inventory on the Department's website, showing changes in GHG emissions relative to an estimated 2010 baseline.

Patron - Subramanyam

[F] HB577 State Air Pollution Control Board; low-emissions vehicle program. Directs the State Air Pollution Control Board to implement a low-emissions motor vehicle program based on the motor vehicle standards authorized by Section 177 of the federal Clean Air Act.

Patron - Keam

[F] HB751 Virginia Community Flood Preparedness Fund; low-income loans; forgiveness of principal. Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage, with priority given to projects that implement community-scale mitigation activities or use nature-based solutions. Any locality using moneys from the Fund to provide loans may also forgive the principal of such loans, with the total amount of loans forgiven by all localities not to exceed 30 percent of the total amount appropriated to the Fund in that fiscal year. This bill was incorporated into HB 22.

Patron - Jones

[F] HB770 Goat grazing on stream buffers. Authorizes a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a

resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program. The bill also clarifies that such grazing is not prohibited by certain provisions of the State Water Control Law.

Patron - LaRock

F HB905 Historical African American cemeteries; City of Chesapeake. Adds one cemetery in Chesapeake 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 cemetery is Cuffeytown Cemetery, containing 52 eligible graves. This bill was incorporated into HB 1523.

Patron - Hayes

F HB1046 Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill, beginning January 1, 2021. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The bill directs the penalties collected to the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. Finally, the bill directs the Department of Environmental Quality to post on its website information on compliance and the filing of complaints. This bill was incorporated into HB 533.

Patron - Krizek

F HB1144 State parks; discounted rental and service fees; military and veterans. Directs the Department of Conservation and Recreation to establish a policy that entitles any veteran or person on active duty military service, and the accompanying spouse or child of such person, to a 50 percent discount on rental and service fees.

Patron - Wampler

F HB1234 Historical African American cemeteries; City of Harrisonburg. Adds Newtown Cemetery in Harrisonburg, with 400 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. This bill was incorporated into HB 1523.

Patron - Wilt

F HB1347 Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. Finally, the bill directs the Department of

Environmental Quality to post to its website information on compliance and the filing of complaints. This bill was incorporated into HB 533.

Patron - Plum

F HB1593 Historical African American cemeteries; Buckingham County. Adds the Stanton Family Cemetery in Buckingham County, with 36 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. This bill was incorporated into HB 1523.

Patron - Fariss

F HB1628 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 majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

Patron - Poindexter

F HB1629 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 majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

Patron - Poindexter

F HB1636 Mountain ridges; prohibition on construction; local ordinance. Prohibits the construction of any building more than 50 feet tall at any elevation within 100 feet of the crest of a vulnerable mountain ridge, as defined in the bill. The bill provides an exception for construction that complies with a county or city ordinance adopted to mitigate the effect of such structures on views of the ridge. The bill also authorizes any city or county to opt out of the prohibition on construction by referendum if the petition for such referendum is made prior to January 1, 2022. The bill directs the Department of Conservation and Recreation to produce maps showing vulnerable mountain ridges in Virginia and authorizes the Department to develop a model ridge conservation ordinance.

Patron - Campbell, R.R.

F HB1657 Virginia Recreational Facilities Authority; dissolution; conveyance of property. Provides that the board of the Virginia Recreational Facilities Authority may by resolution divest itself of property owned by the authority and may convey all such property to a locality. The measure provides that whenever the board of the authority determines by resolution that the purposes for which the authority was formed have been substantially complied with and all property of the authority has been conveyed and all bonds therefor issued and all obligations incurred by the authority have been fully paid or adequate provisions have been made for the payment, the board may dissolve itself upon a majority vote of the board. The measure also provides that if the authority ceases to oper-

ate or is dissolved, the title to its real property shall transfer to the locality in which the majority of such property is located.

Patron - Head

F SB184 Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees. Adds "Chesapeake Bay watershed tree," as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. Current law allows individual designation of heritage, memorial, specimen, and street trees. The bill contains technical amendments.

Patron - Locke

F SB193 Single-use plastic and expanded polystyrene products; local prohibition; local tax. Authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of certain single-use products that are not recyclable or compostable and for which there is a suitable and cost-effective compostable or recyclable alternative product available, with certain exceptions. The bill also authorizes any locality to impose a five-cent per item tax on single-use plastics and polystyrene products provided to customers by certain retailers, with certain products being exempt from the tax. The bill directs revenue from the local tax to be used by the locality imposing the tax for cleanup or education programs designed to reduce waste. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner.

Patron - Favola

F SB621 Open-space and conservation easements; rule of construction. Provides that if language in an open-space or conservation easement acquired pursuant to state law is ambiguous, such language shall be construed against the grantor and in favor of the grantee.

Patron - Deeds

F SB769 Environmental proceedings; findings of fact. Directs the Department of Environmental Quality (DEQ) to give deference to findings of fact by a presiding officer based on the evidence presented in any formal proceeding where the parties are operating under a consent decree. The bill directs a court to give deference to a factual recommendation by a hearing officer, and creates a rebuttable presumption with respect to such facts. The bill requires that the Director of the Department give the factual and legal basis for the decision to revoke or amend a solid waste management permit.

The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication.

Patron - Reeves

F SB992 Carbon trading program; allocation of allowances; new facility. Directs the State Air Pollution Control Board (the Board) to allocate allowances for three years to any electric power generating facility that was permitted prior to the June 26, 2019, effective date of the Board's carbon trading regulations. The bill requires an accounting comparison to actual emissions at the end of the three-year period and the allocation of further allowances pursuant to Board regulations thereafter.

Patron - Spruill

F SB1055 Department of Historic Resources; duties. Requires the Director of the Department of Historic Resources to review and respond to any request from a federal agency for a consultation process under the Director's authority as the State Historic Preservation Officer for review, concurrence, or execution of reports, agreements, determinations, and other documents within 30 days or such period of time that is less than 30 days if requested by the federal agency. The bill provides that if the Director does not respond to the federal agency within the requested time, the Director's review will be deemed waived and, if the Director's approval, concurrence, or execution has been requested, such approval, concurrence, or execution shall be deemed granted. The bill also places certain deadlines by which the Director must take action on applications for a permit for an archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial.

Patron - Ruff

Carried Over

C HB221 Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees. Adds "Chesapeake Bay watershed tree," as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. Current law allows individual designation of heritage, memorial, specimen, and street trees. The bill contains technical amendments.

Patron - Mugler

C HB705 State air, waste, and water boards; permit authority; appointment of members. Removes the authority to issue, reissue, amend, or modify permits or certificates or to hear permit actions from the State Air Pollution Control Board, the Waste Management Board, and the State Water Control Board and places such authority with the Department of Environmental Quality. The bill changes the composition of the three boards 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

C HB794 Flood Insurance Fund; low-income Virginians. Creates a Flood Insurance Fund and directs the Executive Director of the Board of Directors of the Virginia Resources Authority to establish a program to use the Fund to subsidize the purchase of flood insurance by low-income Virginians. Such program shall include an application process, application guidelines, and a ranking system that prioritizes the use of the Fund to support the purchase of flood insurance in the most flood-prone areas.

Patron - Askew

C HB1038 Solid waste management facility; permit for landfill with capacity of more than 35 million tons. Prohibits the Virginia Waste Management Board from issuing (i) a permit for a new solid waste management facility or (ii) an amendment to a permit allowing the expansion of a facility or an increase in capacity, where such permit or amendment is likely to result in the creation of a landfill whose capacity exceeds 35 million tons. For the Board to issue such a permit

or amendment, the bill requires the Director of the Department of Environmental Quality to determine that the amount of capacity in excess of 35 million tons will serve a public interest that outweighs any additional harms to human health and safety and the environment caused by such capacity in excess of 35 million tons.

Patron - Rasoul

C HB1171 Solar farms; annual report of acreage; report. Directs the Virginia Solar Energy Center to compile an annual report that lists (i) the total acreage of solar farm or utility-scale solar facility development projects completed in the prior calendar year and (ii) the total acreage of qualified donations of less-than-fee interests accepted by any public or private conservation agency, as reported by the Department of Conservation and Recreation pursuant to existing law. The Center is required to submit the report by December 15 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance.

Patron - Poindexter

C HB1329 Chesapeake Bay Preservation Areas; local ordinances; penalties. Directs localities in Tidewater Virginia to incorporate certain penalties into their ordinances protecting the quality of state waters in Chesapeake Bay Preservation Areas.

Patron - Kory

C HB1373 Flood Resiliency Clearing House Program. Directs the Department of Conservation and Recreation to develop a Flood Resiliency Clearing House Program for coordinating flood mitigation solutions. The bill requires the Clearing House to solicit flood mitigation solutions from the public; coordinate with other agencies to review submitted solutions; approve appropriate solutions, favoring those that manage both water quality and flooding and emphasize nature-based solutions; and disseminate approved flood mitigation solutions.

Patron - Hodges

C SB409 Local impact from large landfills. Requires the Director of the Department of Environmental Quality to analyze and determine, in writing, what impacts to local water, soil, and air quality are expected from the construction and operation of a new municipal solid waste landfill that will accept 3,500 tons or more of municipal solid waste per day and to impose additional conditions or requirements, including facilities, maintenance, or operation or closure practices, as are necessary to adequately protect local water, soil, and air quality.

Patron - Hashmi

Contracts

Passed

P SB658 Contracts with design professionals; provisions requiring a duty to defend void. Provides that any provision contained in any contract relating to the planning or design of a building, structure, or appurtenance thereto, including moving, demolition, or excavation connected therewith, or any provision contained in any contract relating to the planning or design of construction projects by which any party purports to impose a duty to defend on any other party to the contract, is against public policy and is void and unenforceable.

Patron - Surovell

P SB838 Nonpayment of wages; private action; liability for payment of wages due under construction contracts; penalties. Provides that an employee has a private cause of action, individually, jointly, with other aggrieved employees as a collective action, or on behalf of similarly situated employees as a collective action, under the federal Fair Labor Standards Act 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, an additional amount as liquidated damages, and reasonable attorney fees and costs. If the court finds that the employer knowingly failed to pay wages, the court shall award the employee reasonable attorney fees and costs and the employer is subject to a civil penalty not to exceed \$1,000 for each violation. 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 triple the amount of wages due and reasonable attorney fees and costs. The measure also provides that any construction contract entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor and the subcontractor are jointly and severally liable to pay the wages due to the subcontractor's employees. If the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was because of the general contractor's failure to pay moneys due to the subcontractor. The provisions of the bill related to construction contracts only apply if (i) it can be demonstrated that the general contractor knew or should have known that the subcontractor was not paying his employees all wages due, (ii) the construction contract is related to a project other than a single family residential project, and (iii) the value of the project, or an aggregate of projects under one construction contract, is greater than \$500,000.

Patron - Ebbin

Failed

F HB555 Snow removal and ice control services contracts; certain provisions declared void. Declares that certain provisions in a snow removal and ice control services contract related to indemnification and tort liability of a service provider or service receiver shall be void and unenforceable. The bill exempts from these provisions snow removal and ice control services contracts for such services to be performed on county, city, town, or state-owned roadways or property.

Patron - Knight

Corporations

Passed

P HB55 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, (v) prohibiting any person from owning more than one membership share, (vi) requiring at least two-thirds of employ-

ees to own membership shares, and (vii) 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

P HB1149 Virginia Stock Corporation Act. Makes clarifying and technical changes to the Virginia Stock Corporation Act. Many of the measure's provisions revise the legislation enacted in the 2019 Session that comprehensively updated the Act in accordance with the Model Business Corporation Act and that is scheduled to become effective on July 1, 2020. Several of the measure's provisions address the documentation required to be filed when a corporation converts to another type of business entity. The measure also repeals a section that provides that a foreign corporation authorized to transact business in the Commonwealth that domesticates to a domestic corporation is deemed to have withdrawn its certificate of authority when the certificate of domestication becomes effective, as it is duplicative of provisions addressed in this measure. This bill received Governor's recommendations.

Patron - Keam

P HB1339 Securities Act; crowdfunding exemption. Repeals the sunset provision on the existing measure that authorizes the State Corporation Commission to adopt an exemption for limited offerings of securities by small and startup companies, known as equity crowdfunding, from the registration provisions of the Securities Act. These crowdfunding provisions, which were enacted in 2015, are currently scheduled to expire on July 1, 2020. The measure also broadens the existing exemption to apply to offerings conducted in accordance with Rule 147A adopted by the U.S. Securities and Exchange Commission (SEC). Because Rule 147A does not require the issuer of the securities to be incorporated or organized in the same state where the offering occurs, the measure creates a carve-out for offerings under Rule 147A from the existing requirement that the issuer be formed, organized, or existing under the laws of the Commonwealth. This bill is identical to SB 542.

Patron - Kilgore

P HB1457 Securities Act; exemption for nonissuer distributions. Exempts certain nonissuer distributions from the registration provisions of the Securities Act.

Patron - O'Quinn

P SB542 Securities Act; crowdfunding exemption. Repeals the sunset provision on the existing measure that authorizes the State Corporation Commission to adopt an exemption for limited offerings of securities by small and startup companies, known as equity crowdfunding, from the registration provisions of the Securities Act. These crowdfunding provisions, which were enacted in 2015, are currently scheduled to expire on July 1, 2020. The measure also broadens the existing exemption to apply to offerings conducted in accordance with Rule 147A adopted by the U.S. Securities and Exchange Commission (SEC). Because Rule 147A does not require the issuer of the securities to be incorporated or organized in the same state where the offering occurs, the measure creates a carve-out for offerings under Rule 147A from the existing requirement that the issuer be formed, organized, or existing under the laws of the Commonwealth. This bill is identical to HB 1339.

Patron - Edwards

Failed

F HB1550 Franchises; covenants not to compete. Declares that any covenant not to compete executed on or after July 1, 2020, between a franchisor and any of its franchisees that restricts the ability of a former franchisee to conduct a business that will compete with the franchisor or another of its franchisees is void unless the franchisor or other franchisee has conducted such a business within 150 miles of the former franchisee's authorized area at any time during the 12 months preceding the termination or expiration of the former franchisee's franchise. A former franchisee that suffers damages as a result of a violation may bring an action against its former franchisor. Violations are also subject to imposition of civil penalties by the State Corporation Commission.

Patron - Davis

F SB1006 Business entities; annual registration. Authorizes domestic and foreign stock corporations with less than 5,000 authorized shares, domestic and foreign nonstock corporations, and domestic and foreign limited liability companies to prepay up to five years of the required annual registration fee.

Patron - Reeves

Counties, Cities and Towns

Passed

P HB106 Numbering on buildings; civil penalty. Provides that an ordinance that requires buildings to have visible numbering may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed under this provision shall be paid into the treasury of the locality where the violation occurred.

Patron - Cole, M.L.

P HB120 Virginia Beach Sports or Entertainment Project; extend expiration date of tax incentive; modify financing structure. Provides that the City of Virginia Beach's entitlement to state sales and use tax revenue attributable to a sports or entertainment project, which under current law will expire on July 1, 2039, shall expire on July 1 following the twentieth anniversary of the completion of construction of the sports and entertainment project. The bill authorizes the City of Virginia Beach to work with a community development authority established by the City to develop a sports or entertainment district, and authorizes it to use funds from the Sports or Entertainment Project Financing Fund to pay for debt maintenance costs of such authority.

Patron - Knight

P HB150 Derelict residential buildings; civil penalty. Allows certain localities to impose a civil penalty not exceeding \$500 per month on owners of derelict residential property that have not submitted a required plan to renovate or demolish the derelict structure. The bill prohibits the total of such fee from exceeding the cost to demolish the building.

Patron - Samirah

P HB166 Hearing notice by localities. Provides that in any instance in which a locality in Planning District 23 has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be

deemed to have met certain notice requirements so long as the notice was published in the next available edition. The bill has an expiration date of July 1, 2022. This bill is identical to SB 869.

Patron - Knight

P HB284 Removal of dangerous roadside conditions; local option. Authorizes any locality, by ordinance, to require the owner of any property located adjacent to a right-of-way maintained by the Virginia Department of Transportation to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle. This bill is identical to SB 225.

Patron - Cole, J.G.

P HB343 Donation by locality of in-kind resources to certain volunteer or nonprofit organizations. Expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary fire-fighting services or a nonprofit or volunteer emergency medical services agency. This bill is identical to SB 465.

Patron - Bell

P HB370 Board of zoning appeals; dual office holding. Authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election. This bill is identical to SB 292.

Patron - Bell

P HB406 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 - Subramanyam

P HB421 Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The bill contains technical amendments. This bill is identical to SB 35. This bill received Governor's recommendations.

Patron - Price

P HB505 Board of zoning appeals; writ of certiorari. Provides that once the writ of certiorari is served in response to a petition from a party aggrieved by a board of zoning appeals

decision, the board of zoning appeals shall have 21 days or as ordered by the court to respond.

Patron - Knight

P HB506 County manager plan; election of board members by instant runoff voting. Provides that, in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff 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 such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill provides that the State Board of Elections may promulgate regulations governing elections determined by instant runoff voting. 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.

Patron - Hope

P HB515 Urban county executive form of government; board of social services. Requires a county operating under the urban county executive form of government (Fairfax County) to designate an additional seat on the board of social services for a qualified citizen of each city to which the county is contractually obligated to provide social services.

Patron - Bulova

P HB549 Overgrown vegetation; local authority. Authorizes any locality within Planning District 23 to include provisions for cutting overgrown shrubs, trees, and other such vegetation in an ordinance requiring certain landowners to cut the grass, weeds, and other foreign growth on certain property. This bill is identical to SB 340.

Patron - Ward

P HB554 Zoning for wireless communications infrastructure. Authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

Patron - VanValkenburg

P HB558 Enhancement of micro-business participation in local procurement. Allows any locality to enact an ordinance to enhance micro-business participation in local government procurement practices. Such measures may include special designation of local micro-businesses, providing technical support to micro-businesses, setting target goals for micro-business participation in the local procurement process, and other reasonable measures intended to promote micro-business participation in the locality. "Micro-business" is defined as a small, women-owned, or minority-owned business with no more than 25 employees.

Patron - Lindsey

P HB585 Comprehensive plan; transit-oriented development. Requires that each city with a population greater than 20,000 and each county with a population greater than 100,000 consider incorporating into the next scheduled and all subsequent reviews of its comprehensive plan strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning.

Patron - Guzman

P HB654 Financing clean energy projects. Authorizes the Department of Mines, Minerals and Energy to sponsor a statewide clean energy financing program. The Department shall engage a private entity through a competitive selection process to develop and administer the program.

Patron - Guy

P HB655 Special exception for solar photovoltaic projects. Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project. This bill is identical to SB 870.

Patron - Heretick

P HB656 Solar energy projects; national standards. Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. This bill is identical to SB 875.

Patron - Heretick

P HB657 Comprehensive plan; solar facilities review. Provides that certain solar facilities shall be deemed to be substantially in accord with a locality's comprehensive plan if the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan.

Patron - Heretick

P HB670 Door locking mechanisms and other safety devices. Provides that the Department of Housing and Community Development shall convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code, other law-enforcement organizations, and representatives of local governments throughout the Commonwealth to develop proposals for changes to the USBC and SFPC 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 buildings for active-shooter or hostile threats while maintaining compliance with basic accessibility requirements under the federal Americans with Disabilities Act. This bill is identical to SB 333.

Patron - Cole, M.L.

P HB696 Local human rights ordinances; sexual orientation and gender identity. Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.

Patron - Roem

P HB726 Comprehensive plan. Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment for more than 25 parcels from 90 to 150 days. This bill is identical to SB 746.

Patron - Reid

P HB731 Zoning; City of Hampton; alcoholic beverage control licensees. Grants the City of Hampton authority to impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees which provides that such special exception or use permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time. This bill is identical to SB 676.

Patron - Mugler

P HB738 Presiding officer of county board of supervisors; terminology. Specifies that the presiding officer of a board of supervisors shall be called "chairman," "chairwoman," "chair," "chairperson," or "chair-at-large," in the presiding officer's discretion.

Patron - Reid

P HB742 Local regulation of unmanned aircraft. Authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. The bill has a delayed effective date of January 1, 2021. This bill incorporates HB 311 and HB 1227.

Patron - Bulova

P HB760 Annual local audit; enforcement; civil penalty. Provides an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification of the delayed audit. Such enforcement may include a writ of mandamus and a civil penalty of between \$500 and \$2,000.

Patron - Aird

P HB806 Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault. Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to (i) the feasibility and cost of expanding the type of services for

which the Criminal Injuries Compensation Fund will make awards to include claims or portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on Health Care by September 1, 2020. This bill is identical to SB 949.

Patron - Delaney

P HB875 Local ordinance on grass cutting. Authorizes a locality located in Planning District 6 to enforce on residential land of one acre or less in an area zoned for agricultural use an ordinance requiring owners of property to cut the grass, weeds, and other foreign growth on such property. Current law prohibits such an ordinance from applying to land zoned for or in active farming operation.

Patron - Campbell, R.R.

P HB929 Subdivision plats. Provides that certain approved final subdivision plats shall remain valid indefinitely if a recorded plat dedicating real property to the locality has been accepted by such grantee.

Patron - Coyner

P HB938 Relocation or expansion of courthouse. Provides that relocation or expansion of a courthouse to property within 1,000 feet of the parcel upon which the courthouse is located shall not trigger a referendum requirement. The existing statute exempts only relocation or expansion to contiguous land.

Patron - Webert

P HB998 Adoption of flood plain ordinances. Provides that any locality may by ordinance regulate the activity on, use of, or development of a flood plain in a manner consistent with any state or federal flood plain management programs and requirements.

Patron - Hayes

P HB1101 Affordable housing dwelling unit ordinances. Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable hous-

ing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing.

The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill.

Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program. This bill is identical to SB 834.

Patron - Carr

P HB1102 Hampton Roads Regional Arena Authority created; financing of a Hampton Roads arena and facility. Creates the Hampton Roads Regional Arena Authority and grants it certain powers relating to construction of an arena and facility. Among those powers is the authority to (i) issue bonds to construct the arena and facility, (ii) receive state sales and use tax revenue that is attributable to the arena and facility, (iii) use such revenue to repay such bonds, and (iv) distribute any excess revenue to any Hampton Roads locality that elects to contribute to the financing of the construction of an arena and facility. The bill provides that the Authority's entitlement to state sales and use tax revenue will expire on the earlier of the maturity date of any bonds it issues related to constructing the arena and facility or July 1, 2060. The powers granted by the bill to the Authority are similar to those granted to the City of Virginia Beach with respect to a sports or entertainment project.

The bill repeals existing provisions related to a Hampton Roads Sports Facility Authority. This bill is identical to SB 787.

Patron - Miyares

P HB1105 Affordable housing; City of Charlottesville. Adds the City of Charlottesville to the list of localities with authority to provide for an affordable housing dwelling unit program.

Patron - Hudson

P HB1131 Solar energy projects; revenue share assessment. Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met. This bill is identical to SB 762. This bill received Governor's recommendations.

Patron - Jones

P HB1186 Disposal of solid waste fees; Russell County. Allows Russell County to levy fees by ordinance, and after a public hearing, for the disposal and management of solid waste at a county collection or disposal facility not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. The bill adds Russell County to the list of counties permitted to use fees to purchase equipment and grants Russell County the same authority that Accomack, Highland, Pittsylvania, Southampton, and Wise Counties have regarding collection of such fees. This bill is identical to SB 329.

Patron - Wampler

P HB1213 Authority of local government employees to issue summonses for misdemeanor violations of local ordinances. Permits localities to appoint and train local government employees to enforce local ordinances by issuing summonses for misdemeanor violations of ordinances that are within the scope of the employee's employment with the exception of traffic offenses and those offenses set forth in Title 18.2, Crimes and Offenses Generally. The bill provides that such employees shall not have the power and authority of constables at common law and their power shall be limited to issuing such summonses in their locality.

Patron - Heretick

P HB1232 Vacant building registration; Town of Timberville. Adds the Town of Timberville to the list of localities with the authority to require the owner of buildings that have been vacant for a continuous period of 12 months or more and that meet the definition of "derelict building" to register such buildings on an annual basis and to impose an annual registration fee not to exceed \$100 to defray the cost of processing such registration. Failure to register is punishable by a \$200 civil penalty and in some cases a \$400 civil penalty.

Patron - Wilt

P HB1267 Land bank entities; planning district commissions. Permits localities to designate a planning district commission to carry out the functions of a land bank entity. Currently, localities may create an authority or designate certain existing nonprofit organizations to carry out the functions of a land bank entity.

Patron - Hodges

P HB1310 Department of Environmental Quality; notice of disposal of certain fill materials. Requires the Department of Environmental Quality to establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES)

Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal shall disclose certain information about the disposal to the Department. The bill provides that the Department shall disclose such information to every locality where such fill will be disposed of.

Patron - Webert

P HB1369 Land bank entities; conflict of interests. Replaces an existing conflict of interests standard for members of the board and employees of a land bank entity by providing that, with regard to any contract or proposed contract for materials to be furnished to or used by the land bank entity, such members and employees are subject to the State and Local Government Conflict of Interests Act.

Patron - Leftwich

P HB1376 Virginia Wireless Service Authority Act; appointments to board. Provides that a board established under the Virginia Wireless Service Authority Act may contain either five or seven members, rather than five members as required under current law. This bill is identical to SB 953.

Patron - Austin

P HB1385 Insurance for certain retired employees of political subdivisions. Allows localities to extend certain insurance benefits to retired employees of political subdivisions. This bill is identical to SB 349.

Patron - Leftwich

P HB1537 Memorials for war veterans. Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. 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. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized. This bill incorporates HB 1625 and is identical to SB 183.

Patron - McQuinn

P HB1572 Industrial development authorities; Town of Front Royal. Provides that the Town of Front Royal

may create its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority with all powers granted industrial development authorities generally. The current law does not explicitly allow for this due to the town's previous joint arrangement with Warren County. Such industrial development authority may also include Warren County in any of its economic development projects for a period of five years ending July 1, 2025.

Patron - Collins

P HB1585 Discounted water and sewer fees; Town of Altavista. Adds the Town of Altavista to those localities that may develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, or disabled customers.

Patron - Fariss

P HB1655 Sale of certain property by locality to adjoining landowners. Provides that, in any instance in which a parcel of real estate is (i) located within an undeveloped common area in a subdivision, (ii) located in a subdivision with a homeowners' association that has been previously dissolved, and (iii) tax delinquent, a locality may, after giving at least 30 days of notice to adjacent property owners, choose to offer for sale such tax delinquent property in whole or in part to adjacent property owners prior to any public auction of the tax delinquent property. The locality may waive any liens associated with the property in order to facilitate the sale and may further waive payment of any past taxes, penalties, and interest with regard to any new owner.

Patron - Orrock

P HB1675 Siting of solar facilities in economically disadvantaged localities. Requires any applicant for a solar facility to give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone, defined in the bill, in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality. The siting agreement may include terms and conditions, including mitigation of any impacts of such solar facility and financial compensation to the host locality to address various capital needs. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended. The provisions of the bill shall not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020.

Patron - Hodges

P HB1688 Cemeteries; grass cutting. Exempts land used for the interment of human remains owned by an individual, family, property owners' association, or church from a local ordinance requiring certain owners of property to cut the grass, weeds, and other foreign growth on such property.

Patron - McQuinn

P HB1725 Circuit court judges; administrative assistants. Provides that an employee hired and paid by a county or city to assist with the administration of a circuit court judge's office shall serve at the sole discretion and under the sole supervision of such judge.

Patron - Campbell, J.L.

P SB35 Control of firearms by localities; permitted events. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The bill contains technical amendments. This bill incorporates SB 450, SB 505, SB 506, and SB 615. This bill is identical to HB 421. This bill received Governor's recommendations.

Patron - Surovell

P SB183 Memorials for war veterans. Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. 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. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized. This bill incorporates SB 560 and SB 620 and is identical to HB 1537.

Patron - Locke

P SB225 Removal of dangerous roadside conditions; local option. Authorizes any locality, by ordinance, to require the owner of any property located adjacent to a right-of-way maintained by the Virginia Department of Transportation to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or

interfere with the safe operation of a vehicle. This bill is identical to HB 284.

Patron - Stuart

P SB292 Board of zoning appeals; dual office holding. Authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election. This bill is identical to HB 370.

Patron - Deeds

P SB329 Disposal of solid waste fees; Russell County. Allows Russell County to levy fees by ordinance, and after a public hearing, for the disposal and management of solid waste at a county collection or disposal facility not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. The bill adds Russell County to the list of counties permitted to use fees to purchase equipment and grants Russell County the same authority that Accomack, Highland, Pittsylvania, Southampton, and Wise Counties have regarding collection of such fees. This bill is identical to HB 1186.

Patron - Chafin

P SB333 Door locking mechanisms and other safety devices. Provides that the Department of Housing and Community Development shall convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code, other law-enforcement organizations, and representatives of local governments throughout the Commonwealth to develop proposals for changes to the USBC and SFPC 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 buildings for active-shooter or hostile threats while maintaining compliance with basic accessibility requirements under the federal Americans with Disabilities Act. This bill is identical to HB 670.

Patron - Stuart

P SB340 Overgrown vegetation; local authority. Authorizes any locality within Planning District 23 to include provisions for cutting overgrown shrubs, trees, and other such vegetation in an ordinance requiring certain landowners to cut the grass, weeds, and other foreign growth on certain property. This bill is identical to HB 549.

Patron - Locke

P SB349 Insurance for certain retired employees of political subdivisions. Allows localities to extend certain insurance benefits to retired employees of political subdivisions. This bill is identical to HB 1385.

Patron - Lucas

P SB350 Emergency Shelters Upgrade Assistance Grant Fund. Establishes the Emergency Shelters Upgrade Assistance Grant Fund administered by the Department of Emergency Management to provide matching funds to localities to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality.

Patron - Lucas

P SB360 Installation of certain facilities by developer; reimbursement. Authorizes a locality that has adopted an ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and

necessary sewerage, water, and drainage facilities to also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area and provides certain requirements for reimbursement of such installation.

Patron - Cosgrove

P SB465 Donation by locality of in-kind resources to certain volunteer or nonprofit organizations. Expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary fire-fighting services or a nonprofit or volunteer emergency medical services agency. This bill is identical to HB 343.

Patron - Reeves

P SB589 Zoning administrators; notice of decisions and determinations. Requires a zoning administrator to provide notice to an adjacent property owner of any decision or determination by the zoning administrator that could impair the ability of such adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well.

Patron - Hanger

P SB631 Abandoned and stolen shopping carts; local regulation. Provides that any locality with a County Manager Plan or Urban County Executive form of government may, by ordinance, provide that it is unlawful for any person to place, leave, or abandon on any real property in the locality, or within specified districts within the locality, any shopping cart. The bill requires such ordinance to provide that any such shopping cart that remains on the real property at least 15 days after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the county or its agents without further notice. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, but not to exceed \$300 per cart, shall be charged to the owner of the shopping cart. The bill also authorizes such ordinance to prohibit possession of a shopping cart outside of the designated premises when the owner has posted notice of such prohibition. Such ordinance may provide for a civil penalty of not more than \$500.

Patron - Surovell

P SB647 Zoning; development approvals. Provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions.

Patron - Boysko

P SB652 Fairfax County; policemen's retirement system. Authorizes any person who has been a member of another county retirement system and who withdraws therefrom and becomes a member of the policemen's retirement system established by a county that has adopted the urban county executive form of government (Fairfax County) to purchase

membership service credit for service rendered while a member of such other county retirement system by paying into the policemen's retirement system all contributions that would have been due from the person had the person been a member of the policemen's retirement system for each of the years for which membership service credit is sought. The bill contains technical amendments.

Patron - Boysko

P SB676 Zoning; City of Hampton; alcoholic beverage control licensees. Grants the City of Hampton authority to impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees which provides that such special exception or use permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time. This bill is identical to HB 731.

Patron - Mason

P SB746 Comprehensive plan. Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment for more than 25 parcels from 90 to 150 days. This bill is identical to HB 726.

Patron - Bell

P SB762 Solar energy projects; revenue share assessment. Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met. This bill is identical to HB 1131. This bill received Governor's recommendations.

Patron - Barker

P SB787 Hampton Roads Regional Arena Authority created; financing of a Hampton Roads arena and facility. Creates the Hampton Roads Regional Arena Authority and grants it certain powers relating to construction of an arena and facility. Among those powers is the authority to (i) issue bonds to construct the arena and facility, (ii) receive state sales and use tax revenue that is attributable to the arena and facility, (iii) use such revenue to repay such bonds, and (iv) distribute any excess revenue to any Hampton Roads locality that elects to contribute to the financing of the construction of an arena and facility. The bill provides that the Authority's entitlement to state sales and use tax revenue will expire on the earlier of the maturity date of any bonds it issues related to constructing the arena and facility or July 1, 2060. The powers granted by the bill to the Authority are similar to those granted to the City of Virginia Beach with respect to a sports or entertainment project.

The bill repeals existing provisions related to a Hampton Roads Sports Facility Authority. This bill is identical to HB 1102.

Patron - Lewis

P SB834 Affordable housing dwelling unit ordinances. Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable

to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing.

The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill.

Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program. This bill is identical to HB 1101.

Patron - McClellan

P SB869 Hearing notice by localities. Provides that in any instance in which a locality in Planning District 23 has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. The bill has an expiration date of July 1, 2022. This bill is identical to HB 166.

Patron - DeSteph

P SB870 Special exceptions for solar photovoltaic projects. Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project. This bill is identical to HB 655.

Patron - Marsden

P SB875 Solar energy projects; national standards. Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photo-

voltaic (electric energy) projects. This bill is identical to HB 656.

Patron - Marsden

P SB941 Local government meetings; weather. Authorizes any political subdivision, board of zoning appeals, or local government board, commission, or authority, by resolution adopted at a regular meeting, to fix the day or days to which a regular meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. The bill requires that such findings be communicated to the members and the press as promptly as possible and that all hearings and other matters previously advertised be conducted at the continued meeting, and no further advertising is required.

Patron - Locke

P SB949 Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault. Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to (i) the feasibility and cost of expanding the type of services for which the Criminal Injuries Compensation Fund will make awards to include claims or portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on

Health Care by September 1, 2020. This bill is identical to HB 806.

Patron - Lucas

P SB953 Virginia Wireless Service Authority Act; appointments to board. Provides that a board established under the Virginia Wireless Service Authority Act may contain either five or seven members, rather than five members as required under current law. This bill is identical to HB 1376.

Patron - Edwards

P SB977 Local governing body meetings; public comment. Requires a governing body to provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly.

Patron - Suetterlein

Failed

F HB70 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

F HB116 Stormwater Management Fund. Provides that grants from a local Stormwater Management Fund may be used for an authorized local stormwater credit option for Virginia Stormwater Management Program authorized program administrators as a stormwater retrofit for any development within the local watershed that predates the 2005 U.S. Environmental Protection Agency and Department of Environmental Quality best management practice criteria. Currently, the grants may only be used for (i) the construction, improvement, or repair of a stormwater management facility or (ii) erosion and sediment control.

Patron - Cole, M.L.

F HB151 Development and use of accessory dwelling units. Provides that all localities shall allow for the development and use of one accessory dwelling unit (ADU) per single-family dwelling (SFD), notwithstanding any contrary provision of a zoning ordinance. The bill defines "accessory dwelling unit" or "ADU" as an independent dwelling unit on a single-family lot with its own living, bathroom, and kitchen space that may be within or attached to SFDs or in detached structures on lots containing SFDs. ADUs may include basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill requires localities to regulate the size and design of ADUs through an approval process, as well as regulate fees, parking, and other requirements, provided that the regulations (i) are not so arbitrary, excessive, or burdensome, individually or cumulatively, as to unreasonably restrict the ability of property owners to utilize or create ADUs and (ii) do not require the property owner to occupy the ADU or SFD as his primary residence.

Patron - Samirah

F HB152 Middle housing allowed on lots zoned for single-family use. Requires all localities to allow development or redevelopment of "middle housing" residential units upon each lot zoned for single-family residential use. Middle housing is defined as two-family residential units, including duplexes, townhouses, cottages, and any similar structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized residential uses. Localities may regulate

the siting, design, and environmental standards of middle housing residential units, including setback requirements, provided that the regulations do not, individually or cumulatively, discourage the development of all two-family housing types permitted through unreasonable costs or delay.

Patron - Samirah

F HB218 Constitutional offices; candidates to be nominated by petition. Requires candidates for constitutional offices to be nominated only by the petition process provided for independent candidates.

Patron - Convirs-Fowler

F HB296 Transition of towns to cities. Makes an exception to the current moratorium on the granting of new city charters by allowing towns with a population of greater than 50,000 that are transitioning to city status to seek a city charter. The bill contains a technical amendment.

Patron - Gooditis

F HB311 Local regulation of unmanned aerial systems. Authorizes a political subdivision to adopt time, place, or manner restrictions regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision. This bill was incorporated into HB 742.

Patron - Gooditis

F HB413 Subdivision ordinance; energy efficiency and renewable energy provisions. Authorizes a local governing body to include in its subdivision ordinance provisions for establishing minimum standards of energy efficiency and establishing and maintaining access to sources of renewable energy.

Patron - Delaney

F HB489 Virginia Indoor Clean Air Act; prohibitions on smoking; satellite facilities. Adds satellite facilities to the list of places where smoking is prohibited.

Patron - Marshall

F HB492 City of Martinsville; city reversion. Requires approval from the City of Martinsville voters before the city can revert to town status.

Patron - Marshall

F HB493 City of Martinsville; city reversion. Requires approval from the Henry County voters before the city can revert to town status.

Patron - Marshall

F HB494 City reversion to town status. Increases the required vote of a city council initiating a city reversion process from a majority to a three-fourths vote of the all members.

Patron - Marshall

F HB545 Inclusionary housing; zoning. Requires cities and towns in the Commonwealth to develop and promulgate housing plans that address the supply of safe, sanitary, and affordable shelter for all current and anticipated residents of their communities. Such plans must connect economic development efforts that bring new jobs to the supply of safe, sanitary, and affordable shelter for all who will fill those jobs; the location of housing and the location of mobility resources; and the availability of accredited high-quality affordable education, parks, indoor and outdoor recreation, libraries, health care, and healthy living resources, including the availability of fresh food. Such housing plans shall be reviewed and revised no less frequently than every five years. Cities and towns that promulgate a housing plan may create, implement, and enforce inclu-

sionary housing programs applicable to new housing development and conversions of previously nonresidential uses into residential uses. Counties utilizing the urban county executive form of government (Fairfax County) or the county manager plan of government (Arlington County) may also follow and use these provisions to provide inclusionary housing.

Patron - Carr

F HB571 Purchase or construction of rental housing by localities. Provides that any locality may by ordinance establish a program to purchase or construct housing and to rent such housing to residents. The rent charged for such housing shall not exceed the higher of 85 percent of the market rate for a similar housing unit, or 115 percent of the actual cost of operation, defined in the bill, of the housing unit offered for rent.

Patron - Carter

F HB632 Zoning; development approvals. Provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions.

Patron - LaRock

F HB636 Provision of county services to town residents. Requires a county to provide the same and equal services to residents of incorporated towns within the county as are provided to other residents of the county. However, if the local governing body of a town adopts a resolution that provides that the town shall provide a specific service and sends a copy of the resolution to the local governing body of the county, a county shall not be required to provide that service to town residents.

Patron - LaRock

F HB662 Local grievance procedure. Incorporates into the local grievance procedure certain provisions in the state grievance procedure related to appeal of final decisions to the circuit court.

Patron - Mullin

F HB769 Local government; codification of ordinances; affirmative defense. Provides that any person who is the subject of an action brought by a locality for violation of an ordinance that is not codified is entitled to assert as an affirmative defense that the ordinance was not codified and therefore failed to provide adequate notice to the public of the contents of the ordinance. The bill also allows localities to codify all ordinances in an online format so as to be easily accessed by other governmental entities and the public.

Patron - LaRock

F HB828 Location of assisted living facilities and group homes. Requires that localities not allow certain assisted living facilities and group homes with eight or fewer residents approved by the locality on or after July 1, 2020, to be located within one-quarter mile of such existing assisted living facility or group home, provided such enforcement is in compliance with applicable state and federal fair housing laws.

Patron - Sullivan

F HB934 Possession, purchase, and transport of certain firearms in certain localities; withholding state funds. Allows a person to lawfully possess, purchase, or transport a firearm or firearms magazine that he would otherwise be lawfully permitted to possess, purchase, or transport on January 1, 2020, while he is in a locality that has adopted or

enforced any ordinance, resolution, or motion that declares such locality a sanctuary for Second Amendment rights. The bill also provides that no funds payable by the Commonwealth to a locality for any and all purposes shall be withheld from a locality solely on the basis of such locality adopting or enforcing any ordinance, resolution, or motion that declares such locality a sanctuary for Second Amendment rights.

Patron - Edmunds

F HB1028 Constitutional officers; hiring notices. Allows constitutional officers to use the local government's official website and related social media platforms to advertise employment positions.

Patron - Adams, L.R.

F HB1104 Inclusionary housing. Provides that localities may create, implement, and enforce inclusionary housing programs applicable to new housing development and to conversions of previously non-residential uses into residential uses. A locality establishing an inclusionary housing ordinance shall define the term "affordable" according to the needs of the residents of that locality and shall ensure that the program is consistent with the locality's comprehensive plan and any other local or regional housing plans applicable to the locality. The program shall further one or more of several specified goals and may offer a variety of incentives, such as density bonuses and financial incentives. In developing and adopting such housing programs, the locality shall create an advisory committee and actively seek input from citizens, developers of residential and mixed-use property, real estate professionals, historic preservation professionals, redevelopment and housing professionals, anti-poverty advocates, planners, urban design professionals, and finance professionals. To the greatest extent possible, adopted programs should rely on market-based approaches to providing and maintaining inclusionary dwelling units.

Patron - Hudson

F HB1108 City council salaries. Removes the statutory salary caps for members of city councils.

Patron - Hudson

F HB1113 Health insurance program for local government employees; entities created or owned by local governments. Adds employees of locally owned public service corporations, local government associations, and entities created for the joint exercise of power by political subdivisions to the definition of "employees of local governments" for the purposes of the Commonwealth's health insurance program for local government employees. The bill defines "locally owned public service corporation" as a public service corporation that is wholly owned by any locality or by a combination of localities.

Patron - Hudson

F HB1151 Plastic bag tax; use of revenues. Allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, restaurants, or drugstores. Certain products are exempt from the tax. The bill directs revenue from the local tax to be deposited into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. The bill incorporates HB 1673.

Patron - Lopez

F HB1191 Installation of certain facilities by developer; reimbursement. Provides specific parameters to address the installation of reasonable and necessary sewerage and

water facilities located on or outside the property limits of the land owned or controlled by the developer or subdivider that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such developer or subdivider shall be entitled to reimbursement of its costs, including a new mechanism for connection fee reimbursement, by any subsequent developer or subdivider that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. The bill provides authority, at the developer's option, for reimbursement for the water and sewer facility in exchange for entitlement to water or sewer connection or capacity fees otherwise due to the locality imposed upon the developer's lots within its development or subdivision.

Patron - Heretick

F HB1204 Fall cankerworm; spraying prohibited except through opt-in program. Prohibits localities from spraying pesticides intended to suppress an infestation of the fall cankerworm on any property unless the owner of the property requests such spraying through an opt-in program operated by the locality.

Patron - Tran

F HB1227 Local regulation of unmanned aerial systems. Authorizes a political subdivision to adopt time, place, or manner regulations regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision, provided such regulations are narrowly tailored to protect the health, safety, and welfare of the public. Takeoff and landing regulations adopted by a political subdivision shall not apply to persons authorized by federal regulations to operate an unmanned aircraft system provided such system is operated in an otherwise lawful manner and consistent with federal regulations. A political subdivision shall annually report to the Department of Aviation any regulations adopted pursuant to this section. This bill was incorporated into HB 742.

Patron - LaRock

F HB1242 Authority of localities to provide broadband service. Provides that any locality may establish any department, office, board, commission, agency, or other governmental division or entity that has authority to offer telecommunications, Internet access, broadband, information, and data transmission services.

Patron - Heretick

F HB1345 City of Richmond; arena and development project. Grants the City of Richmond certain powers relating to construction of an arena and development project and any related facilities. Among those powers is the authority to receive state sales and use tax revenue that is attributable to such project and use such revenue to repay such bonds. The bill provides that the City of Richmond's entitlement to revenue shall expire on the earlier of the date of the final payment of any bonds issued to finance or refinance any cost of the project or 35 years from the initial date that any bonds were issued to pay any cost of the project. The powers granted by the bill to the City of Richmond are similar to those granted to the City of Virginia Beach with respect to a sports or entertainment project.

Patron - Bourne

F HB1382 Control of firearms in local government buildings; waiver of sovereign immunity. Provides that any locality that adopts an ordinance or policy that generally prohibits firearms, ammunition, or components or combination thereof in any building owned or used by such locality for gov-

ernmental purposes shall waive its sovereign immunity protection with regard to any civil claim for damages brought by an individual who claims his injuries are the result, at least in part, of such ordinance or policy. In such instance, a locality will be subject to an ordinary negligence standard for its invitees.

Patron - Campbell, J.L.

F HB1474 Regulation of short-term rentals. Requires any ordinance adopted by the governing body of any locality 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 Uniform Statewide Building Code (§ 36-97 et seq.), real estate licensing, common interest communities, and covered entities otherwise regulated by localities.

Patron - McGuire

F HB1485 Regulation of firearms by localities; workplace rules; limitation. Prohibits a locality from adopting a workplace rule that restricts employees who possess a valid concealed handgun permit from carrying a concealed handgun in their place of employment.

Patron - LaRock

F HB1564 Impact fees; residential development. Authorizes any locality to impose impact fees on certain residential developments in order to defray the costs of constructing public facilities necessitated by those developments. Under current law, such impact fees may be imposed only by those localities that have established urban transportation service districts. The amount of the impact fee shall not exceed five percent of the sales price of the residential property, five percent of the assessed value of the property in the event that the property is transferred without a sale, or \$10,000, whichever is less.

Patron - Cole, M.L.

F HB1590 Local regulation of air cannons. Allows localities to require a special exception or special use permit for the use of certain devices, including air cannons, carbide cannons, or other loud explosive devices that are designed to produce high-intensity sound percussions for the purpose of repelling birds.

Patron - Avoli

F HB1625 War memorials for veterans. Removes a prohibition on (i) disturbing or interfering with any war monument or memorial erected by a locality or (ii) preventing citizens from maintaining such monument or memorial. The bill authorizes a locality to remove, relocate, or alter any such monument or memorial on the locality's public property upon the affirmative vote of its governing body, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties for such removal, relocation, or alteration. The bill also restricts bringing a cause of action pursuant to such penalties to the attorney for the locality in which the memorial or monument is located. Current law authorizes any person having an interest in the matter to bring such action if no action is brought within 60 days of the violation. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria. This bill was incorporated into HB 1537.

Patron - Hudson

F HB1685 Short-term rentals. Provides that no locality shall require a person to register a short-term rental pursuant to the locality's land use and zoning authority if the person meets certain criteria set out in the bill.

Patron - Knight

F SB100 Locality health insurance policies; option of including independent-contractor emergency services personnel. Authorizes a locality to provide health insurance coverage to independent contractors that it employs as emergency medical services personnel.

Patron - Marsden

F SB152 Calling auxiliary police officers into service. Clarifies that a locality may call into service or provide for calling into service auxiliary police officers at any time for the purpose of assisting in or providing school security services to Virginia public elementary and secondary schools.

Patron - Stuart

F SB198 Disposable plastic shopping bags; local option. Allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness, bags that are used to carry certain products, such as ice cream or newspapers, and garbage bags that are sold in multiples. This bill was incorporated into SB 11.

Patron - Locke

F SB351 Authority of localities to provide broadband service. Provides that any locality may establish any department, office, board, commission, agency, or other governmental division or entity that has authority to offer telecommunications, Internet access, broadband, information, and data transmission services.

Patron - Lucas

F SB450 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, operated or used by the locality. This bill was incorporated into SB 35.

Patron - Edwards

F SB505 Control of firearms by localities; local government buildings. Authorizes a locality to adopt an ordinance prohibiting firearms, ammunition, or components or combination thereof in any building owned or used by such locality for governmental purposes. The bill requires such ordinance to include a provision for security measures designed to reasonably prevent unauthorized access of such buildings by a person with a firearm, ammunition, or components or combination thereof. The bill requires a locality to post notice of any such prohibition at all entrances of buildings used for governmental purposes. This bill was incorporated into SB 35.

Patron - Edwards

F SB506 Control of firearms by localities. Grants localities authority to adopt or enforce an ordinance, resolution, or motion governing the possession, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof in the locality. Various provisions limiting such authority are repealed. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed.

The bill also changes from mandatory to optional the existing requirement that a locality adopting an ordinance regarding the disposition of certain acquired firearms offer for sale by public auction or sealed bids to a person licensed as a dealer any firearm received by the locality, and provides that if an individual surrendering a firearm requests in writing that the firearm be destroyed, such firearm shall be destroyed by the locality. This bill was incorporated into SB 35.

Patron - Edwards

[F] SB560 Memorials for war veterans. Provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. This bill was incorporated into SB 183.

Patron - Spruill

[F] SB615 Control of firearms by localities; local government buildings and parks. Authorizes a locality to adopt an ordinance prohibiting firearms, ammunition, or components or combination thereof in any building owned or used by such locality for governmental purposes and in public parks owned by the locality. The bill requires such ordinance to include a provision for security measures designed to reasonably prevent unauthorized access of such buildings or parks by a person with a firearm, ammunition, or components or combination thereof. The bill requires a locality to post notice of any such prohibition at all entrances of buildings used for governmental purposes and at the main entrances to public parks owned by this locality. This bill was incorporated into SB 35.

Patron - Deeds

[F] SB620 War memorials for veterans. Removes a prohibition on (i) disturbing or interfering with any war monument or memorial erected by a locality or (ii) preventing citizens from maintaining such monument or memorial. The bill authorizes a locality to alter, move, or remove any monument or memorial from the locality's public property and removes certain criminal and civil penalties for such. This bill was incorporated into SB 183.

Patron - Deeds

[F] SB638 Affordable housing near Metrorail station. Provides that in any locality with an existing or planned Metrorail station, such locality shall require that at least 10 percent of new residential dwelling units in any building that is at least six stories in height be affordable dwelling units, defined in the bill, if the proposed project is within one-half mile of an existing or planned Metrorail station.

Patron - Surovell

[F] SB645 Local arbitration agreements; disclosure of certain information. Requires a locality, for any procurement contract for goods and services except for construction, construction-related services, transportation construction, or transportation-related construction--and any purchasing decision to ensure that solicitations require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses and consider each bidder or offeror's policies and practices related to arbitration. The bill requires each locality to seek to contract with qualified entities and business owners that can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers, and to evaluate bidders and offerors based on disclosures required under the bill, in the event no bidder or offeror can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers.

The bill authorizes a locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor who violates a provision of the bill and declare the contractor ineligible for further contracts with such locality.

Patron - Surovell

[F] SB778 Extension of approvals to address housing crisis. Extends the sunset date for several measures related to various land use approvals from July 1, 2020, to July 1, 2023. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2020.

Patron - Lewis

[F] SB796 Hampton Roads Coastal Resiliency Authority. Creates the Hampton Roads Coastal Resiliency Authority (the Authority) as a political subdivision of the Commonwealth. The Authority may by ordinance consist of any locality that makes up the membership of the Hampton Roads Planning District Commission and is created for the purpose of serving as a regional leader, resource, and partner for all issues related to coastal flooding and resiliency. The bill shall not become effective date until participating localities comprising two-thirds of the population of the Hampton Roads Planning District have elected to join the Authority.

Patron - Lewis

[F] SB839 Permitted provisions in the zoning ordinance; worker protection. Authorizes a locality to include in its zoning ordinance certain conditions as part of the grant of a special exception that permits development at a floor area ratio (FAR) greater than 1.0 or 25 units per acre, or requires the construction of or improvements to public facilities, public roads, or other publicly owned or managed areas. Such conditions may require a developer, directly or through its contractors, to enter into binding contractual commitments that provide certain protections for the skilled and unskilled workers hired to build the development project.

Patron - Ebbin

[F] SB893 Comprehensive plan; solar facilities review. Exempts a solar facility that is 150 megawatts or less from the requirement that it be reviewed for substantial accord with a locality's comprehensive plan.

Patron - Marsden

[F] SB928 Possession, purchase, and transport of certain firearms in certain localities. Provides that a person may lawfully possess, purchase, or transport a firearm or firearms magazine that he would otherwise be lawfully permitted to possess, purchase, or transport on January 1, 2020, while he is in a locality that has adopted an ordinance, resolution, or motion that authorizes the possession, purchase, or transportation of such firearm or firearms magazine within such locality.

Patron - Newman

[F] SB1000 Industrial development authorities; appropriations. Requires a local governing body, prior to making any appropriation for funds to an industrial development authority, to hold a public hearing with opportunity for public comment on the proposed appropriation.

Patron - Chase

[F] SB1037 Special use permits; freestanding medical facilities. Provides that no ordinance of a city whose governing body appoints all of the members of a hospital authority shall require that a special exception, special use, or conditional use permit be obtained for the development and construction of a freestanding medical facility on property where

such use is permitted by right under the local zoning ordinance.

Patron - Lewis

F SB1067 Regulation of stormwater; airports. Provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways.

Patron - Kiggans

F SB1085 Deputy sheriffs; minimum salary. Provides that the minimum salary for all deputy sheriffs, both law enforcement and non-law enforcement, shall be set at the compensation board minimum plus a 20 percent supplement. The bill provides that in any locality designated as high or above average according to the Commission on Local Government's Fiscal Stress Index as of July 1, 2020, the Commonwealth shall pay the entire sum of the difference between the current salary paid in such locality and the compensation board minimum plus the 20 percent supplement.

Patron - Pillion

Carried Over

C HB559 City of Norfolk; financing of an arena and facility. Grants the City of Norfolk certain powers relating to construction of an arena and facility. Among those powers is the authority to (i) issue bonds to construct the arena and facility, (ii) receive state sales and use tax revenue that is attributable to the arena and facility, and (iii) use such revenue to repay such bonds. The bill provides that the City of Norfolk's entitlement to state sales and use tax revenue will expire on the earliest of (a) the maturity date of any bonds it issues related to constructing the arena and facility, (b) the expiration date of its contractual obligations related to the arena or facility, or (c) July 1, 2055. The powers granted by the bill to the City of Norfolk are similar to those granted to the City of Virginia Beach with respect to a sports or entertainment project.

Patron - Lindsey

C HB672 State, regional, and local planning; climate change. Establishes a policy of the Commonwealth to prevent and to minimize actions that contribute to the detrimental effects of climate change in the Commonwealth. The bill requires any state agency to examine any new regulation in furtherance of this policy. The bill requires local and regional planning commissions to consider the impacts from and causes of climate change in adopting a comprehensive plan, regional strategic plan, or zoning ordinance.

Patron - Willett

C HB707 Conservation of trees; Town of Vienna. Allows the Town of Vienna, by ordinance, to require that a subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy 10 years after development is projected to meet specified coverage criteria. Currently, the criteria apply to coverage 20 years after development.

Patron - Keam

C HB765 Zoning; affordable housing. Provides that a locality, within the residential district classifications of its zoning ordinance, may include districts specifically designated for affordable housing.

Patron - Orrock

C HB893 Law enforcement; use of force; data collection and reporting requirement. Requires state and local law-enforcement officers to collect data on use of force inci-

dents involving law enforcement and forward the data to the Superintendent of State Police, which the Department of State Police shall include in the annual Crime in Virginia report. Such incidents include the following: (i) any fatality to a civilian; (ii) any serious bodily injury to a civilian; or (iii) in the absence of either death or serious injury, a discharged firearm by a state or local law-enforcement officer at or in the direction of a person. The bill specifies information required to be included in such incident report.

Patron - Guzman

C HB1035 Attorneys for the Commonwealth; compensation and collection of fees. Prohibits the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. The bill also requires attorneys for the Commonwealth to pay all fees collected by them in consideration of the performance of official duties or functions into the state treasury, instead of only half of such fees. The bill requires the State Treasurer to pay to the treasuries of the respective counties and cities of the attorneys for the Commonwealth a proportion of half of all such fees collected by all attorneys for the Commonwealth, as determined by each county or city's crime rate, criminal incident rate, or arrest rate. Finally, the bill changes the fees collected by attorneys for the Commonwealth on trials of felony indictments from \$40 on each count to \$120 for each trial of a Class 1 or Class 2 felony indictment, or other felony that carries a possible penalty of life in prison, except robbery, and \$40 for each trial on robbery and all other felony indictments regardless of the number of counts. The bill contains technical amendments.

Patron - Simon

C HB1045 Tree-replacement ordinance; banking. Authorizes any locality that has adopted a tree-replacement ordinance to require a developer to make up for any net loss in tree cover by planting additional trees on property protected by a conservation easement or paying the locality to do so.

Patron - Krizek

C HB1052 Provision of telecommunications services by local governments. Authorizes any locality to provide any telecommunications service, including cable television services, Internet, broadband, telephone service, and wireless Internet service, within its boundaries, after holding a public hearing, adopting a resolution, and obtaining approval from the State Corporation Commission. The measure eliminates existing provisions that (i) prohibit cross-subsidization of such services, (ii) require feasibility studies, (iii) prevent a locality from charging less than an incumbent provider, and (iv) limit the types of localities, by population and whether they provide electric utility service, that may qualify to offer such services.

Patron - Levine

C HB1302 Deputy sheriffs; minimum salary. Provides that the minimum salary for all deputy sheriffs, both law enforcement and non-law enforcement, shall be set at the compensation board minimum plus a 20 percent supplement. The

bill provides that in any locality designated as high or above average according to the Commission on Local Government's Fiscal Stress Index as of July 1, 2020, the Commonwealth shall pay the entire sum of the difference between the current salary paid in such locality and the compensation board minimum plus the 20 percent supplement.

Patron - Hurst

HB1338 Smoking in multi-unit residential building; civil penalty. Prohibits smoking in any multi-unit residential building, including a condominium building or apartment building. A person who violates such prohibition is subject to a civil penalty of not more than \$25, to be paid into the Virginia Health Care Fund.

Patron - Keam

HB1480 Local regulation of pet shops. Authorizes a locality to regulate or restrict by ordinance the acquisition, marketing, and sale of animals in a pet shop. Such ordinance may distinguish between certain types of pet shops and include provisions for special licensing, inspections, reporting, or restrictions on the sale of certain types of animals. The bill also includes various existing statewide provisions related to pet shops in the list of sections for which a locality may adopt parallel or more stringent ordinances.

Patron - Gooditis

HB1624 Conservation of trees during land development process. 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.

Patron - Cole, J.G.

SB353 Outdoor shooting ranges; prohibited adjacent to residential areas; exceptions; civil penalty. Prohibits the operation of an outdoor shooting range, defined in the bill, within 500 yards of any property zoned for residential use unless the Range Design Criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security have been met. The bill provides that any person who violates the provisions of this section is subject to a civil penalty of not less than \$1,000 nor more than \$100,000 for the initial violation and \$5,000 per day for each day of violation thereafter.

Patron - Bell

SB419 Conservation of trees; Town of Vienna. Allows the Town of Vienna, by ordinance, to require that a subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy 10 years after development is projected to meet specified coverage criteria. Currently, the criteria apply to coverage 20 years after development.

Patron - Petersen

SB803 Attorneys for the Commonwealth; compensation and collection of fees. Prohibits the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that

increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. The bill also requires attorneys for the Commonwealth to pay all fees collected by them in consideration of the performance of official duties or functions into the state treasury, instead of only half of such fees. The bill requires the State Treasurer to pay to the treasuries of the respective counties and cities of the attorneys for the Commonwealth a proportion of half of all such fees collected by all attorneys for the Commonwealth, as determined by each county or city's crime rate, criminal incident rate, or arrest rate. Finally, the bill changes the fees collected by attorneys for the Commonwealth on trials of felony indictments from \$40 on each count to \$120 for each trial of a Class 1 or Class 2 felony indictment, or other felony that carries a possible penalty of life in prison, except robbery, and \$40 for each trial on robbery and all other felony indictments regardless of the number of counts. The bill contains technical amendments.

Patron - Morrissey

SB826 Water and sewer service charges; tenant or lessee. Reduces the maximum potential responsibility of a property owner for a tenant's unpaid water and sewer charges by capping the dollar amount of such property owner's responsibility at \$300.

Patron - McDougle

SB1061 C-PACE loans; residential dwellings and condominiums. Removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements.

Patron - Petersen

SB1092 Land subdivision and development; release of performance guarantees. Prohibits the final complete release of any remaining bond, escrow, letter of credit, or other performance guarantee required of a subdivider or developer by a governing body for the construction of certain public facilities until each common area, if any, is transferred from the subdivider or developer to a property owners' association.

Patron - Surovell

Courts Not of Record

Passed

HB60 Substitute judges; powers and duties; entry of a final order. Gives a substitute judge the power to enter a final order in any case heard by such substitute judge for a period of 14 days after the date of a hearing of such case.

Patron - Collins

HB61 Adults sentenced for juvenile offenses; good conduct credit. Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is a recommendation of the Virginia Criminal Justice Conference and is identical to SB 307.

Patron - Collins

P HB137 Guardians ad litem for children; certification of compliance with certain standards. Requires guardians ad litem appointed to represent a child in a matter to conduct an investigation in compliance with certain standards. The bill requires a guardian ad litem to file with the court, along with any attorney representing a party or party proceeding pro se, a certification of the guardian ad litem's compliance with such standards, specifically addressing such standards requiring face-to-face contact with the child. The bill further requires the guardian ad litem to document the hours spent satisfying such face-to-face contact requirements and specifies that compensation for such contact shall be at the same rate as that for in-court service.

Patron - Collins

P HB275 Maximum number of judges in each judicial district. Increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. The Committee on District Courts recommended the additional judgeship in 2018. This bill is identical to SB 209.

Patron - Sullivan

P HB477 Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 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 the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report. This bill incorporates HB 1440.

Patron - Guzman

P HB721 Post-adoption contact and communication agreements; involuntary termination of parental rights. Provides that a child's birth parent or parents for whom parental rights were involuntarily terminated may enter into a post-adoption contact and communication agreement with the child's pre-adoptive parent or parents.

Patron - Reid

P HB744 Sentencing of juvenile tried as adult. Provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law and suspend any portion of an otherwise applicable sentence. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders.

Patron - Watts

P HB880 Protective orders; motions to dissolve filed by petitioner; ex parte hearing and issuance of order. Provides that, upon motion by a petitioner to dissolve a protective order, a dissolution order may be issued on an ex parte basis with or without a hearing and that a hearing on such a motion shall be heard by the court as soon as practicable. The bill fur-

ther provides that a dissolution order granted on an ex parte basis shall be served upon the respondent.

Patron - Simonds

P HB1324 Juvenile and domestic relations district court; intake. Makes various changes to the intake procedures for the domestic relations district court, including (i) providing that, if a juvenile is alleged to be a truant, the intake officer may defer filing a petition in order to develop and allow the juvenile to complete a truancy plan or program; (ii) changing the notice requirement for circumstances under which informal action has been taken on a complaint alleging that a juvenile is in need of services, in need of supervision, or delinquent so that the intake officer advises the juvenile and his parents that any subsequent complaint may result in the filing of a petition with the court; and (iii) adding possession of alcohol to the existing offense of possession of marijuana for which, if charged by summons, a juvenile is entitled to have the charge referred to intake for consideration of informal proceedings.

Patron - Carroll Foy

P HB1437 Juvenile confinement for violation of court order. Reduces from 10 days to seven days the maximum allowable period of confinement of a juvenile in a secure facility for a contempt violation or when a child in need of supervision is found to have willfully and materially violated an order of the court. The bill also provides that any order of disposition of such violation confining the juvenile in a secure facility for juveniles shall (i) identify the valid court order that has been violated; (ii) specify the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order; (iii) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; (iv) specify the length of time of such confinement, not to exceed seven days; and (v) include a plan for the juvenile's release from such facility.

Patron - Jones

P HB1561 Fort Monroe Authority; civil actions in general district court. Authorizes the Fort Monroe Authority to prepare, execute, file, and have served certain documents in a civil proceeding in general district court without the intervention of an attorney. This bill is identical to SB 956.

Patron - Mugler

P SB209 Maximum number of judges in each judicial district. Increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. The Committee on District Courts recommended the additional judgeship in 2018. This bill is identical to HB 275.

Patron - Petersen

P SB307 Adults sentenced for juvenile offenses; good conduct credit. Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is a recommendation of the Virginia Criminal Justice Conference and is identical to HB 61.

Patron - Stanley

P SB451 Juvenile and domestic relations district court; award of attorney fees. Permits a juvenile and domestic relations district court judge to take all relevant factors, in

addition to the relative financial ability of the parties, into consideration when awarding attorney fees and costs.

Patron - Surovell

P SB546 Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 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 the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report.

Patron - Edwards

P SB929 Temporary location of district courts for Augusta County and the City of Staunton. Permits the Augusta County General District Court and Juvenile and Domestic Relations District Court and the City of Staunton Juvenile and Domestic Relations District Court to sit and exercise full authority in Augusta County on the property on which sits the building formerly used as the Beverley Manor Elementary School. The bill provides that such courts shall continue to sit in such place until other court facilities have been built and fitted for occupation by such courts or until some other place or places are designated by order of the chief judge of the Twenty-Fifth Judicial Circuit.

Patron - Hanger

P SB956 Fort Monroe Authority; civil actions in general district court. Authorizes the Fort Monroe Authority to prepare, execute, file, and have served certain documents in a civil proceeding in general district court without the intervention of an attorney. This bill is identical to HB 1561.

Patron - Locke

Failed

F HB274 Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile can be tried as an adult in circuit court for a felony.

Patron - Cole, J.G.

F HB470 Protective orders on behalf of incapacitated persons. Allows an employee of a local department of social services (local department) to petition a court on behalf of an incapacitated person for a preliminary protective order in cases of family abuse or non-family abuse. If the court finds by a preponderance of the evidence that the person is an incapacitated person and lacks the capacity to file such petition for himself, the court shall grant a guardian ad litem to represent the interests of the incapacitated person and may issue an order granting the preliminary protective order if other conditions required for the issuance of a preliminary protective order are met. The bill allows the employee of a local department who filed the petition to testify on behalf of the incapacitated person at any hearing for the preliminary protective order and at the full hearing on the petition. At the full hearing on the petition, the court may issue a protective order for a specified period of time, up to a maximum of two years, if the court finds by a pre-

ponderance of the evidence that the employee of a local department who filed the petition has proven the allegation of abuse or that the incapacitated person has been subjected to an act of violence, force, or threat.

Patron - Mullin

F HB625 Protective orders in cases of family abuse; definition of family abuse; identity theft. Includes acts of identity theft committed against a person's family or household member in the definition of "family abuse" for purposes of the issuance of protective orders in cases of family abuse. The bill contains technical amendments.

Patron - Simon

F HB745 Sentencing of juvenile tried as adult. Provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law, suspend any portion of an otherwise applicable sentence, or deal with the juvenile in the same manner as a case in the juvenile court if the court finds by clear and convincing evidence that the victim of the felony offense trafficked the juvenile in violation of human trafficking laws or sexually assaulted or abused the juvenile within one year of the commission of the felony offense. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders, including the diminished culpability of juveniles. After considering such factors, the court may reduce or suspend any mandatory minimum sentence or maximum period of incarceration prescribed by law that the juvenile is required to serve by not more than 50 percent if the court determines that such reduction is appropriate in relation to the juvenile's age, the juvenile's prospects for rehabilitation, or any other mitigating factors.

Patron - Watts

F HB1077 Protective orders; minors; filing of petition. Provides that a minor may petition for a protective order on his own behalf without the consent of a parent or guardian and without doing so by next friend.

Patron - Simon

F HB1117 Temporary detention; transportation; change of provider. Establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order. This bill was incorporated into HB 1118.

Patron - Bell

F HB1167 Protective orders on behalf of incapacitated persons. Allows an employee of a local department of social services (local department) to petition a court on behalf of an incapacitated person for a preliminary protective order in cases of family abuse or non-family abuse. If the court finds by a preponderance of the evidence that the person is an incapacitated person and lacks the capacity to file such petition for himself, the court shall grant a guardian ad litem to represent the interests of the incapacitated person and may issue an order granting the preliminary protective order if other conditions required for the issuance of a preliminary protective order are met. The bill allows the employee of a local department who filed the petition to testify on behalf of the incapacitated person at any hearing for the preliminary protective order and at the full hearing on the petition. At the full hearing on the petition, the court may issue a protective order for a specified period of time, up to a maximum of two years, if the court finds by a preponderance of the evidence that the employee of a local department who filed the petition has proven the allegation of abuse

or that the incapacitated person has been subjected to an act of violence, force, or threat.

Patron - Wampler

F HB1182 Protective order; family abuse; financial relief; temporary spousal support. Allows the court to order the respondent in a protective order issued in a case of family abuse to order financial or other relief for the protection or well-being of the petitioner. The bill further allows a court to issue a temporary spousal support order for support of the petitioner in conjunction with the issuance of such a protective order.

Patron - Watts

F HB1440 Juveniles; trial as an 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. This bill was incorporated into HB 477.

Patron - Jones

F HB1693 Juvenile confinement for violation of court order. Reduces from 10 days to seven days the maximum allowable period of confinement of a juvenile in a secure facility for a contempt violation or when a child in need of supervision is found to have willfully and materially violated an order of the court. The bill also provides that any order of disposition of such violation confining the juvenile in a secure facility for juveniles shall (i) identify the valid court order that has been violated; (ii) specify the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order; (iii) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; (iv) specify the length of time of such confinement, not to exceed seven days; and (v) include a plan for the juvenile's release from such facility.

Patron - Jones

F SB59 Juvenile law-enforcement records; disclosures to school principals. Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

Patron - Hanger

F SB574 Protective orders on behalf of incapacitated persons. Allows an employee of a local department of social services (local department) to petition a court on behalf of an incapacitated person for a preliminary protective order in cases of family abuse or non-family abuse. If the court finds by a preponderance of the evidence that the person is an incapacitated person and lacks the capacity to file such petition for himself, the court shall grant a guardian ad litem to represent the

interests of the incapacitated person and may issue an order granting the preliminary protective order if other conditions required for the issuance of a preliminary protective order are met. The bill allows the employee of a local department who filed the petition to testify on behalf of the incapacitated person at any hearing for the preliminary protective order and at the full hearing on the petition. At the full hearing on the petition, the court may issue a protective order for a specified period of time, up to a maximum of two years, if the court finds by a preponderance of the evidence that the employee of a local department who filed the petition has proven the allegation of abuse or that the incapacitated person has been subjected to an act of violence, force, or threat.

Patron - Mason

F SB602 Temporary detention; transportation; change of provider. Establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order. This bill was incorporated into SB 603.

Patron - Hanger

Carried Over

C HB412 Family or household member; definition. Adds to the existing definition of "family or household member" any individual who is in or who, within the previous 12 months, 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.

Patron - Delaney

C SB223 Juvenile records; expungement. Provides for the expungement of juvenile records for offenses that would be felony larceny if committed by an adult. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained.

Patron - Favola

C SB550 Dating relationship abuse; penalty. Expands the crime of assault and battery against a family or household member to include persons in a dating relationship, as defined in the bill. The bill also expands the class of persons who are eligible to obtain a protective order in cases of family abuse to include persons who are in a dating relationship and who have been subjected to dating relationship abuse, also defined in the bill.

Patron - Bell

Courts of Record

Passed

P HB63 Court of Appeals; use of moot courtroom of accredited law schools. Provides that upon proper agreement with the applicable authorities the Court of Appeals may use the moot courtroom of any accredited law school located in the Commonwealth for the holding of court and for its ancillary functions. Current law specifies that the Court may use state and federal facilities but not private law schools in the Commonwealth. This bill is identical to SB 1002.

Patron - Miyares

P HB172 Virginia State Police Electronic Summons System Fund. Creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes.

Patron - Krizek

P HB305 Circuit court clerk's fee; lodging of wills. Increases from \$2 to \$5 the fee that the circuit court clerk is required to charge for lodging, indexing, and preserving a will. This bill is identical to SB 940.

Patron - Hope

P HB306 Fees collected by circuit court clerks for recording and indexing; use of fee in preserving permanent records of the circuit courts. Increases by \$2 the fees for the recording and indexing of certain documents. The bill further increases from \$1.50 to \$3.50 the portion of the recording and indexing fee collected by circuit court clerks that is designated for use in preserving the permanent records of the circuit courts. This bill is identical to SB 938.

Patron - Hope

P HB1359 Jurisdiction of civil claims; amending amount of claim. Provides that, while a matter is pending in a circuit court, upon motion of the plaintiff seeking to decrease the amount of the claim to within exclusive or concurrent jurisdiction of the general district court, the circuit court shall order transfer of the matter to the general district court having jurisdiction over the claim without requiring a dismissal of the claim or a nonsuit. The bill provides that the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. 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 and requires 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

P SB938 Fees collected by circuit court clerks for recording and indexing; use of fee in preserving permanent records of the circuit courts. Increases by \$2 the fees for the recording and indexing of certain documents. The bill further increases from \$1.50 to \$3.50 the portion of the recording and indexing fee collected by circuit court clerks that is designated for use in preserving the permanent records of the circuit courts. This bill is identical to HB 306.

Patron - Favola

P SB940 Circuit court clerk's fee; lodging of wills. Increases from \$2 to \$5 the fee that the circuit court clerk is required to charge for lodging, indexing, and preserving a will. This bill is identical to HB 305.

Patron - Favola

P SB1002 Court of Appeals; use of moot courtroom of accredited law schools. Provides that upon proper agreement with the applicable authorities the Court of Appeals may use the moot courtroom of any accredited law school located in the Commonwealth for the holding of court and for

its ancillary functions. Current law specifies that the Court may use state and federal facilities but not private law schools in the Commonwealth. This bill is identical to HB 63.

Patron - DeSteph

Failed

F HB164 Allowances for jurors; unclaimed funds; retention by the court for jury operations or expenses. Exempts funds held by the court for payment to a juror from the provisions of the Virginia Disposition of Unclaimed Property Act and provides that such funds may be used by the court for jury operations or other jury-related expenses if such funds are unclaimed for more than one year after becoming payable.

Patron - Knight

F HB684 Online case information system; juvenile and domestic relations district court. Requires the Executive Secretary of the Supreme Court to make certain nonconfidential information for adult criminal cases in the juvenile and domestic relations district courts publicly viewable in the online case information system. Under current law, only criminal cases in circuit courts participating in the Executive Secretary's case management system and in the general district courts are required to be made publicly available in such system.

Patron - Bell

F HB1165 Statewide electronic filing system; circuit courts, general district courts, and juvenile and domestic relations district courts; Supreme Court of Virginia to establish. Directs the Supreme Court of Virginia to establish and operate a system for electronic filing for civil and criminal proceedings for all circuit courts, general district courts, and juvenile and domestic relations district courts on or before July 1, 2026. The bill further directs the Supreme Court to promulgate rules to govern such filing system.

Patron - Wampler

F HB1637 Circuit court clerks; vendor fee for collection and delivery of filings. Permits a vendor to which a circuit court clerk has outsourced the processing of credit and debit card transactions for the payment of court fees to also collect and deliver to the clerk any filings for which it has processed a credit or debit card transaction for the payment of fees. The bill further permits the vendor to assess an additional fee for such collection and delivery.

Patron - O'Quinn

F SB438 Judicial performance evaluation program; risk assessment tool; use of alternative sanction. Requires the Virginia Criminal Sentencing Commission to use sentencing guidelines to determine the cost of incarceration for an offender who receives the minimum recommended sentence and to include the cost on the sentencing guideline form. The bill also requires the Commission to determine the number of offenders during a judge's term who qualify for the use of the offender risk assessment tool and, on the basis of such assessment, are recommended to receive an alternative sanction and do not receive an alternative sanction.

Patron - Surovell

F SB705 Issuance of United States passports by clerk's office. Provides that a clerk of a circuit court shall collect whatever fee is specified by the U.S. Department of State for processing and issuing a United States passport, of which \$10 shall be paid to the Commonwealth and the remainder

shall be deposited with the local treasurer and used solely to fund such services.

Patron - Obenshain

Carried Over

C **HB1545 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 - Samirah

C **SB973 Maximum number of judges in each judicial circuit and district.** Increases from five to six the number of authorized circuit court judgeships in the twenty-third judicial circuit. The bill also increases from four to five the number of authorized general district court judgeships in the twenty-third judicial district.

Patron - Edwards

Crimes and Offenses Generally

Passed

P **HB2 Firearm sales; criminal history record information checks; penalty.** Requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a background check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a background check before a firearm may be transferred. This bill incorporates HB 355 and is identical to SB 70.

Patron - Plum

P **HB9 Reporting lost or stolen firearms; civil penalty.** Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

Patron - Bourne

P **HB34 Refusal of tests; restricted license.** Allows a person convicted of a first offense of unreasonable refusal to have samples of his breath or blood 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. The bill provides that such restricted license shall not permit any person to operate a commercial motor vehicle.

Patron - Lindsey

P **HB245 Fornication; repeal.** Repeals the crime of fornication, i.e., voluntary sexual intercourse by an unmarried person, punishable under current law as a Class 4 misdemeanor.

Patron - Levine

P **HB256 Disorderly conduct; students.** Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school. This bill incorporates HB 8. This bill received Governor's recommendations.

Patron - Mullin

P **HB264 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. The bill has a delayed effective date of January 1, 2021. This bill is identical to SB 263.

Patron - Lopez

P **HB557 Carnal knowledge of pretrial or posttrial offender; bail bondsmen; penalty.** Increases to a Class 6 felony from a Class 1 misdemeanor the penalty for an owner or employee of a bail bond company that posted bond for a person to carnally know such person if the owner or employee has the authority to revoke the person's bond.

Patron - Brewer

P **HB618 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. The bill 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. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes. The pro-

visions of the bill are contingent on funding in a general appropriation act. This bill incorporates HB 488.

Patron - Plum

P HB663 Circumvention of ignition interlock systems; venue. Provides that the venue for the prosecution of a circumvention of the operation of an ignition interlock system shall be where the offense occurred or the jurisdiction in which the order prohibiting a person from operating a motor vehicle that is not equipped with a functioning ignition interlock system was entered.

Patron - Mullin

P HB674 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or 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. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. This bill is identical to SB 240.

Patron - Sullivan

P HB812 Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill incorporates HB 1502. This bill is identical to SB 69.

Patron - Ward

P HB881 Illegal gambling; skill games; exception. Includes the playing or offering for play of any skill game in

the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements. This bill is identical to SB 971. This bill received Governor's recommendations.

Patron - Bulova

P HB972 Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana may be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill also provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, 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 defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Also, the bill allows a person charged with a civil offense who is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. This bill incorporates HB 265, HB 301,

and HB 481 and is identical to SB 2. This bill received Governor's recommendations.

Patron - Herring

P HB980 Provision of abortion. Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill 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. This bill incorporates HB 1060 and is identical to SB 733.

Patron - Herring

P HB995 Grand larceny; threshold. Increases from \$500 to \$1,000 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. This bill incorporates HB 263 and is identical to SB 788.

Patron - Lindsey

P HB1004 Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that any person who willfully fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates HB 856 and is identical to SB 479. This bill received Governor's recommendations.

Patron - Mullin

P HB1044 Unauthorized use of electronic tracking device; penalty. Increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for a person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally

deceptive means and without consent, and uses such device to track the location of any person.

Patron - Krizek

P HB1071 Profane swearing in public. Removes the crime of profane swearing in public, which is currently punishable as a Class 4 misdemeanor. This bill incorporates HB 132.

Patron - Adams, D.M.

P HB1076 Carrying concealed weapons; sling bow. Replaces "slingshot" with "sling bow" in the list of weapons a person is prohibited from carrying concealed. The bill also removes the Harbormaster of the City of Hopewell from the list of individuals who, while in the discharge of their official duties, or while in transit to or from such duties, are exempted from the prohibition on carrying a concealed weapon.

Patron - Adams, D.M.

P HB1080 Firearms or other weapons on school property. Provides that no school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute. The bill also clarifies that no exemption exists for a special conservator of the peace to possess a firearm or other weapon on school property.

Patron - Hope

P HB1083 Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14 is guilty of a Class 1 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. This bill incorporates HB 72 and HB 463.

Patron - Hayes

P HB1096 Injuries to churches or church property; dead animals. Makes it a Class 1 misdemeanor for any person to maliciously place a dead animal within any church or on church property.

Patron - Miyares

P HB1181 Violation of provisions of protective order; venue. Provides that a violation of a protective order may be prosecuted in the jurisdiction where the protective order was issued or in any county or city where any act constituting the violation of the protective order occurred.

Patron - Watts

P HB1330 Possession, distribution, production, publication, sale, financing, etc., of child pornography; venue. Provides that venue for a prosecution of child pornography possession, distribution, or production may lie in the jurisdiction where the alleged offender resides. Under current law, venue for a prosecution of such offense may lie only in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with the unlawful act is produced, reproduced, found, stored, or possessed. This bill incorporates HB 478.

Patron - Byron

P HB1524 Prostitution; touching the unclothed genitals or anus of another; penalty. Provides that any person who touches the unclothed genitals or anus of another with the intent to sexually arouse or gratify for money is guilty of prostitution, which is punishable as a Class 1 misdemeanor. The bill also provides that any person who receives any money on account of procuring for or placing in a house of prostitu-

tion any person for the purpose of causing such person to engage in the touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify is guilty of a Class 4 felony. As introduced, this bill is a recommendation of the Virginia State Crime Commission.

Patron - Delaney

P HB1570 Possession of tobacco products, nicotine vapor products, and alternative nicotine products by persons under 21 years of age; exception; scientific study. Provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee.

Patron - VanValkenburg

P HB1573 Rabid animals. Makes it a Class 1 misdemeanor for an owner of a dog or cat who permits such dog or cat to stray from his premises when he knows or has been told by the local health department, law-enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies.

Patron - Bell

P HB1627 Threats and harassment of certain officials and property; venue. Provides that certain crimes relating to threats and harassment may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is (i) the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia and (ii) such official or employee was threatened or harassed while engaged in the performance of his public duties or because of his position with the Commonwealth. In addition, threats to damage property may be prosecuted in the City of Richmond if venue cannot otherwise be established and the property is owned by the Commonwealth and located in the Capitol District.

Patron - Bourne

P HB1681 Virginia Charitable Gaming Board; regulations of the Board; electronic versions of instant bingo, pull tabs, or seal cards. 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 Virginia Charitable Gaming Board regulations, to 18.

Patron - Willett

P HB1690 Charitable gaming; increase in certain maximum allowable prize amounts. Increases the maximum allowable amount for a single bingo door prize from \$50 to \$250 and the maximum allowable cumulative door prizes in any one bingo session from \$250 to \$500. The bill also increases the maximum allowable regular bingo or special bingo game prize from \$100 to \$200 and the prize for a single instant bingo, pull tab, or seal card from \$1,000 to \$2,000. The bill increases the maximum allowable prize for a bingo jackpot from \$1,000 to \$2,000 and the total allowable amount of bingo jackpot prizes awarded in any one session from \$1,000 to \$2,000. The bill also increases from \$100 to \$200 the allowable amount of increase of a progressive prize per session in certain progressive bingo games. The bill directs the Charitable

Gaming Board to convene a stakeholder work group to review the current limitations on prize amounts and provide any recommendations to the General Assembly by November 30, 2020. The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly.

Patron - Keam

P SB2 Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana may be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill also provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, 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 defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Also, the bill allows a person charged with a civil offense who is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. This bill incorporates SB 815 and is identical to HB 972. This bill received Governor's recommendations.

Patron - Ebbin

P SB3 Disorderly conduct; students. Provides that a student at any elementary or secondary school is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on school property, on a school bus, or at any activity conducted or sponsored by any school. This bill is identical to HB 256. This bill received Governor's recommendations.

Patron - McClellan

P SB14 Trigger activators; prohibition; penalty. Prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as a device designed to allow a semi-auto-

matic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter. A violation is punishable as a Class 6 felony.

Patron - Saslaw

P SB42 Aggravated sexual battery; penalty. Provides that any massage therapist, person practicing the healing arts, or physical therapist, or a person purporting to be such practitioner, who sexually abuses another person without the express consent of the complaining witness is guilty of aggravated sexual battery.

Patron - DeSteph

P SB64 Paramilitary activities; penalty. Provides that a person is guilty of unlawful paramilitary activity if such person brandishes a firearm or any air-operated or gas-operated weapon or any object similar in appearance while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons. Such unlawful paramilitary activity is punishable as a Class 5 felony.

Patron - Lucas

P SB69 Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill incorporates SB 22. This bill is identical to HB 812.

Patron - Locke

P SB70 Firearm sales; criminal history record information checks; penalty. Requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a background check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a background check before a firearm may be transferred. This bill incorporates SB 12 and is identical to HB 2.

Patron - Lucas

P SB71 Firearms on school property. Adds public, private, or religious preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. The provisions of the bill regarding child day centers only apply during the regular operating hours of such child day center. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. The bill also provides that a licensed child day center or religious or private

preschool may hire an armed security officer to provide security services. This bill received Governor's recommendations.

Patron - Lucas

P SB144 Protective orders; issuance upon convictions for certain felonies; penalty. Authorizes a court to issue a protective order upon convicting a defendant for an act of violence and upon the request of the victim or the attorney for the Commonwealth on behalf of the victim. The bill provides that the duration of such protective order can be for any reasonable 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. The bill provides that a violation of a protective order issued upon a conviction for an act of violence is punishable as a Class 1 misdemeanor.

Patron - Stuart

P SB173 Prohibition on possession of stun weapon on school property; exemptions. Allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. The bill also allows a stun weapon to be stored in a closed container in a motor vehicle while such vehicle is on school property.

Patron - Hanger

P SB179 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. The bill 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. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes.

Patron - Favola

P SB199 Conduct of charitable gaming. Removes restrictions regarding (i) the number of calendar days that charitable gaming may be conducted, (ii) the number of bingo sessions that may be played in any calendar day and the number of bingo games that may be played during each session, and (iii) the locations at which games may be played.

Patron - Barker

P SB240 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or 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. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order.

The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. This bill is identical to HB 674.

Patron - Barker

P SB263 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. The bill has a delayed effective date of January 1, 2021. This bill is identical to HB 264.

Patron - Bell

P SB282 Ignition interlock for first offense driving under the influence of drugs. Provides that a court of proper jurisdiction may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a first offense of driving under the influence of drugs. Under current law, such prohibition is required to be ordered as a condition of a restricted license.

Patron - Deeds

P SB378 Computer trespass; penalty. Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. This bill incorporates SB 844.

Patron - Bell

P SB439 Driving under the influence; remote alcohol monitoring; penalty. Provides that in the case of an adult offender's first conviction of driving under the influence when the offender's blood alcohol content was less than 0.15, upon motion of the offender, the sole restriction of the offender's restricted driver's license shall be the prohibition of the offender from operating any motor vehicle not equipped with a functioning, certified ignition interlock system for one year without any violation of the ignition interlock system requirements. The bill provides that if a person is ineligible to receive a restricted license, a court may instead authorize such person

to use a remote alcohol monitoring device, refrain from alcohol consumption, and participate in an alcohol safety action program; such provisions of the bill shall become effective on July 1, 2021. The bill provides that tampering with a remote alcohol monitoring device is a Class 1 misdemeanor. This bill incorporates SB 154 and SB 520.

Patron - Surovell

P SB479 Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that any person who willfully fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates SB 372 and is identical to HB 1004. This bill received Governor's recommendations.

Patron - Howell

P SB499 Specialty dockets; veterans docket. Provides that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause.

Patron - Reeves

P SB667 Arrest and prosecution when experiencing or reporting overdoses. Provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence

for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. The bill also provides that no law-enforcement officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose.

Patron - Boysko

P SB684 Involuntary commitment and restoration of firearm rights. Responds to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013), in which the Supreme Court of Virginia held that on appeal by trial de novo in circuit court of an order of involuntary commitment by a district court, upon the circuit court's finding that the appellant no longer meets the criteria for involuntary commitment, the proper remedy is dismissal of the Commonwealth's petition for involuntary commitment, thereby rendering the original commitment order a nullity. As such, because the original petition would in effect never have existed, forfeiture of the right to possess a firearm as required by § 18.2-308.1:3 upon involuntary commitment would no longer be in effect. Section 18.2-308.1:3 requires that a person who has been involuntarily committed and seeks to have his firearm rights restored petition a district court for restoration of his firearm rights. The ruling in *Paugh*, by requiring dismissal of the original petition for commitment, removes that requirement even though on the date of the original commitment hearing the person did meet the criteria for commitment and was, in fact, involuntarily committed. The bill provides that, notwithstanding the outcome of any appeal (trial de novo on the petition for commitment) taken pursuant to § 37.2-821 or § 16.1-345.6, the appellant shall be required to seek restoration of his firearm rights. The bill also provides that, upon a finding by the circuit court that the appellant no longer meets the criteria for involuntary commitment or mandatory outpatient treatment, the court shall reverse the order of the district court but shall not dismiss the Commonwealth's petition. As a consequence of these changes, a person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court.

Patron - Mason

P SB733 Provision of abortion. Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all of the procedures and processes, including the performance of an ultrasound, required to effect a pregnant woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant woman's informed written consent first be obtained. The bill 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. This bill incorporates SB 21 and SB 68 and is identical to HB 980.

Patron - McClellan

P SB788 Grand larceny; threshold. Increases from \$500 to \$1,000 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. This bill is identical to HB 995.

Patron - McClellan

P SB798 Driving after forfeiture of license. Specifies that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses; (ii) in violation of the terms of a restricted license; (iii) without an ignition interlock system if one is required; or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles.

Patron - Morrissey

P SB818 Behavioral health dockets; established. Establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act, which is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

Patron - Morrissey

P SB936 Charitable Gaming Board; Texas Hold'em poker events. Allows certain 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.

Patron - Petersen

P SB971 Virginia Lottery Board; regulation of electronic gaming devices; penalty. Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a non-cash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements. This bill incorporates SB 908 and SB 909 and is identical to HB 881. This bill received Governor's recommendations.

Patron - Howell

P SB1003 Computer crimes; monetary harm; penalty. Provides that it is a Class 1 misdemeanor for any person who, without the intent to receive any direct or indirect benefit, maliciously sends an electronically transmitted communication containing a false representation intended to cause another person to spend money, and such false representation causes such person to spend money.

Patron - Chafin

P SB1015 Possession of marijuana; cannabidiol oil or THC-A oil. Provides that a person who possesses marijuana in the form of cannabidiol oil or THC-A oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice shall not be prosecuted for simple possession of marijuana. The bill also provides that no agent or employee of a pharmaceutical processor shall be prosecuted for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, or subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with law. Current law provides that such possession of marijuana in the form of cannabidiol oil or THC-A oil in such circumstances is an affirmative defense to such charges.

Patron - Marsden

Failed

F HB8 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. This bill was incorporated into HB 256.

Patron - Bourne

F HB72 Allowing access to firearms by children; recklessly leaving loaded, unsecured firearm in manner that endangers child under 14; penalty. Increases from a Class 3 misdemeanor to a Class 6 felony the penalty for recklessly leaving a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14. The bill contains technical amendments. This bill was incorporated into HB 1083.

Patron - Kory

F HB78 Purchase, possession, and transport of firearms following certain convictions; permit to restore rights; penalty. Prohibits a person who has been convicted of a misdemeanor violation of assault and battery of a family or household member from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm. This bill was incorporated into HB 1288.

Patron - Kory

F HB83 Killing or injuring police animals; penalty. Provides that the punishment 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, shall be separate and apart from, and shall be made to run consecutively with, any other sentence.

Patron - Fowler

F HB101 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 - Lindsey

F HB118 Trespass with an unmanned aircraft system; local or state correctional facilities; penalty. Provides that any person who knowingly and intentionally causes an unmanned aircraft system to come within 400 feet of the lateral boundaries of any local or state correctional facility, for any reason, is guilty of a Class 1 misdemeanor.

Patron - Knight

F HB132 Profane swearing in public. Removes the crime of profane swearing in public, which is currently punishable as a Class 4 misdemeanor. This bill was incorporated into HB 1071.

Patron - Webert

F HB142 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 - Davis

F HB161 Carrying a concealed handgun; permit not required. 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 - McGuire

F HB163 Contempt of court; penalty. Increases from 10 days to 30 days the maximum term of imprisonment for a charge of contempt of court but limits the term of imprisonment to 30 days, including in cases where the court empanels a jury to ascertain the punishment.

Patron - Cole, M.L.

F HB192 Firearm purchases; proof of demonstration of competence with a firearm. Provides that any person purchasing from a dealer a firearm shall demonstrate competence with a firearm as provided in the statute governing proof of demonstration of competence with a handgun for the purposes of obtaining a concealed handgun permit. The bill also prohibits a firearms dealer from selling, renting, trading, or transferring from his inventory any firearm to any person until he has been furnished with proof that the prospective has demonstrated competence with a firearm.

Patron - Orrock

F HB224 Carrying a concealed handgun; permit not required. Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

Patron - Freitas

F HB260 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

F HB263 Grand larceny; threshold. Increases from \$500 to \$2,000 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. This bill was incorporated into HB 995.

Patron - Lopez

F HB265 Marijuana; decriminalization of simple marijuana possession; penalty. Decriminalizes marijuana possession and provides a civil penalty of no more than \$25. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases from a Class 5 felony to a Class 6 felony the penalty for distribution or possession with intent to sell more than one-half ounce but not more than five pounds of marijuana. This bill was incorporated into HB 972.

Patron - Heretick

F HB286 Grand larceny; threshold. Increases from \$500 to \$1,500 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

F HB301 Marijuana; decriminalization of simple marijuana possession. Decriminalizes simple marijuana possession and provides a civil penalty, payable to the Literary Fund, of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to sell, give, or distribute marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from the sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount. This bill was incorporated into HB 972.

Patron - Levine

F HB318 Possession of ammunition on school property; penalty. Provides that a person is guilty of a Class 1 misdemeanor if he knowingly possesses ammunition for a firearm upon (i) the property of any public, private, or religious elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school.

Patron - Kory

F HB355 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 testamentary 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. This bill was incorporated into HB 2.

Patron - Kory

F HB372 Violation of protective orders; assault and battery. Removes the requirement that a violation of a protective order involving an assault and battery that is committed by the respondent against a protected party result in a bodily injury for the enhanced penalty to apply.

Patron - Bell

F HB373 Carrying dangerous weapon to place of religious worship. Repeals the code section related to carrying dangerous weapons in places of worship.

Patron - McGuire

F HB425 Transfer of multiple firearms; report to the Department of State Police. Requires any dealer who sells, trades, or transfers more than two firearms to an individual in a single transaction to report such transaction to the Department of State Police. The bill also provides that the State Police shall maintain multiple firearms transaction records for 12 months. Current law states that State Police shall maintain multiple handgun transaction records for 12 months.

Patron - Simon

F HB426 Prohibited public carrying of certain firearms; 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, folding stock, or long ammunition 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 also eliminates a current exception to the prohibition on carrying such firearms in places open to the public for persons having a valid concealed handgun permit.

Patron - Simon

F HB427 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 updates language regarding the

types of detection devices that are used at airports for detecting plastic firearms.

Patron - Simon

[F] HB444 Throwing or depositing grass upon certain highways; penalty. Makes it a Class 3 misdemeanor for any person to intentionally throw or deposit or intentionally cause to be deposited grass or grass clippings upon any paved highway with a speed limit of 35 miles per hour or greater.

Patron - Robinson

[F] HB451 Conduct of charitable gaming. Removes restrictions regarding (i) the number of calendar days that charitable gaming may be conducted, (ii) the number of bingo sessions that may be played in any calendar day and the number of bingo games that may be played during each session, and (iii) the locations at which games may be played.

Patron - Fowler

[F] HB453 Trespass with an unmanned aircraft system; local or state correctional facilities; penalty. Prohibits any person from knowingly and intentionally causing an unmanned aircraft system to come within either a horizontal distance of 500 feet or a vertical distance of 250 feet from any local or state correctional facility. A violation is a Class 1 misdemeanor; however, a violation while a person delivers, attempts to deliver, or conspires with another to deliver to any prisoner confined in the local or state correctional facility any drug that is a controlled substance or marijuana is a Class 6 felony. A violation while a person delivers, attempts to deliver, or conspires with another to deliver to any prisoner confined in the local or state correctional facility firearms, ammunition, or explosives of any nature is a Class 5 felony. The bill provides exceptions for a person operating an unmanned aircraft system with written consent from the official in charge of the correctional facility or a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, as permitted by state law governing the use of unmanned aircraft systems by public bodies.

Patron - Wyatt

[F] HB458 Purchase, possession, and transportation of firearms; fugitives; penalty. Provides that it is a Class 1 misdemeanor for any person who is a fugitive to purchase, possess, or transport a firearm. The bill also updates the criminal history record information check form to inquire if the applicant is a fugitive, as defined in the bill.

Patron - Sullivan

[F] HB459 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. This bill was incorporated into HB 1288.

Patron - Sullivan

[F] HB463 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. This bill was incorporated into HB 1083.

Patron - Hayes

[F] HB478 Production, publication, sale, financing, etc., of child pornography; venue. Provides that venue for a prosecution of child pornography production may lie in the jurisdiction where the alleged offender resides. Under current law, venue for a prosecution of such offense may lie only in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with the unlawful act is produced, reproduced, found, stored, or possessed. This bill was incorporated into HB 1330.

Patron - Mullin

[F] HB481 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. This bill was incorporated into HB 972.

Patron - Kory

[F] HB488 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. The bill 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. This bill was incorporated into HB 618.

Patron - Kory

[F] HB495 Prohibition against participation in games of chance; exception for private clubs. Creates an exception to the general prohibition against participation in games of chance for games that are conducted in private clubs, provided such private clubs are not commonly used for games of chance and there is no operator of such games.

Patron - Marshall

[F] HB532 Safe reporting of overdoses; immunity from prosecution. Provides that no individual (i) who sought or obtained emergency medical attention for himself or for another individual because of a drug or alcohol-related overdose or (ii) is experiencing a drug or alcohol-related overdose

and another individual, in good faith, seeks or obtains emergency medical attention for such individual shall be prosecuted for unlawful purchase, possession, or consumption of alcohol, simple possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia. Under current law, an affirmative defense against such offenses is available for an individual who sought or obtained emergency medical attention for himself or for another individual because of a drug-related or alcohol-related overdose. The bill also adds the statewide poison control system to the list of emergency care providers to whom individuals must contemporaneously report such overdoses in order to qualify for immunity from prosecution. The bill also states that no individual who is immune from prosecution pursuant to the provisions of the bill shall be found to be in violation of any term or condition of probation, parole, postrelease supervision, pretrial supervision, a suspended sentence, or bail, bond, or recognizance on the basis of evidence obtained as a result of an individual's seeking or obtaining emergency medical attention and that the real or personal property of an individual who is immune from prosecution that was used in connection with or derived from the specified offenses shall not be subject to forfeiture to the Commonwealth. The bill also provides that immunity from prosecution does not apply to an individual who seeks or obtains emergency medical attention for himself or another individual, or who is experiencing an overdose when another individual seeks or obtains emergency medical attention for such individual, during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

Patron - Carr

F HB567 Indoor shooting ranges; prohibited in buildings not owned or leased by the Commonwealth or federal government; exceptions; civil penalty. Prohibits the operation of an indoor shooting range, defined in the bill, in any building not owned or leased by the Commonwealth or federal government unless (i) fewer than 50 employees work in the building or (ii) (a) at least 90 percent of the users of the indoor shooting range are law-enforcement officers or federal law-enforcement officers, (b) the indoor shooting range maintains a log of each user's name, phone number, address, and the law-enforcement agency where such user is employed, and (c) the indoor shooting range verifies each user's identity and address by requiring all users to present a government-issued photo-identification card. The bill provides that any person that violates the provisions of this section is subject to a civil penalty of not less than \$1,000 nor more than \$100,000 for the initial violation and \$5,000 per day for each day of violation thereafter.

Patron - Helmer

F HB568 Carrying or storing firearms in motor vehicles and vessels; exceptions; penalty. Provides that any person possessing or storing a firearm in a motor vehicle or vessel shall secure such firearm in a locked container, other than a glove box, that is not within the dominion and control of or readily accessible for prompt and immediate use by any person within the motor vehicle. The bill provides exceptions for law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, or any person having a valid concealed handgun permit. A violation is punishable by a civil penalty not to exceed \$2,500. The bill also removes the current exception for carrying a concealed weapon for any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel.

Patron - Helmer

F HB569 Out-of-state concealed handgun permits; reciprocity. Reinstates the prior law providing that the holder of an out-of-state concealed handgun permit who is at least 21 years of age is authorized to carry a concealed handgun in Virginia if the other state (i) has a 24-hour-a-day means of verification of the validity of the permits issued in that state and (ii) has requirements and qualifications that are adequate to prevent possession of a permit by persons who would be denied a permit in Virginia. Under current law, the holder of an out-of-state concealed handgun permit who is at least 21 years of age is authorized to carry a concealed handgun in Virginia if (a) the other state has a means of verification of the validity of the permits issued in that state, accessible 24 hours a day, if available; (b) the person carries a government-issued photo identification and displays it upon demand of a law-enforcement officer; and (c) the person has not previously had a Virginia concealed handgun permit revoked. The bill states that the Attorney General shall (1) determine whether states meet the requirements and qualifications of the bill, (2) maintain a registry of such states, and (3) make the registry available to law-enforcement officers for investigative purposes. The bill further requires the Attorney General to review the determinations of whether states meet the requirements and qualifications of the bill and update the registry accordingly every two years. The bill removes the requirement for the Superintendent of State Police to enter into agreements for reciprocal recognition with other states that require an agreement to be in place before the state will recognize a Virginia concealed handgun permit as valid in the state and provides that the Attorney General may enter into agreements for reciprocal recognition with any state qualifying for recognition. The bill also reinstates the recognition of certain Maryland concealed handgun permits and eliminates the requirement that the Superintendent of State Police enter into agreements for reciprocal recognition of concealed handgun permits or licenses with other states where agreements were in existence on December 1, 2015.

Patron - Helmer

F HB596 Carrying dangerous weapon to place of religious worship; repeal. Repeals the code section related to carrying dangerous weapons in places of worship.

Patron - Walker

F HB599 Carrying weapon into building owned or leased by the Commonwealth; penalty. Makes it a Class 3 misdemeanor for a person to transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon into a building owned or leased by the Commonwealth or any agency thereof, where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. A third or subsequent violation is punishable as a misdemeanor, and such offender may be confined in jail not more than 30 days and fined not more than \$500, either or both. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, city or county treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each public entrance to all buildings owned or leased by the Commonwealth or any agency thereof.

Patron - Murphy

[F] HB605 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 also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), aff'd, 287 Va. 276, 754 S.E.2d 309 (2014).

Patron - Brewer

[F] HB669 Carrying concealed handgun with a permit; employees of any agency of the Commonwealth or political subdivision thereof. Provides that, notwithstanding any other provision of law or any rule, regulation, or workplace policy to the contrary, an employee of any agency of the Commonwealth or a political subdivision thereof with a valid concealed handgun permit may possess or carry a concealed handgun at his workplace. The bill provides, however, that any agency of the Commonwealth or a political subdivision thereof may prohibit employees from possessing or carrying a concealed handgun at their workplace only if such agency of the Commonwealth or a political subdivision thereof has employed law-enforcement officers or armed security officers to provide protection at such workplace, and such officers are stationed within the workplace building during operating hours.

Patron - Cole, M.L.

[F] HB681 Capital murder; punishment. Provides that any person convicted of capital murder involving the willful, deliberate, and premeditated killing of a person in the commission of, or subsequent to, rape or attempted rape, forcible sodomy, or attempted forcible sodomy or object sexual penetration, and 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 - Bell

[F] HB682 Capital murder; punishment. Provides that any person convicted of capital murder involving the willful, deliberate, and premeditated killing of a person under the age of 14 by a person age 21 or older shall be sentenced to no less than a mandatory minimum term of confinement for life.

Patron - Bell

[F] HB686 Killing the fetus of another; manslaughter; penalties. Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

Patron - Bell

[F] HB750 Carrying a concealed handgun; consumption of alcohol in a public park; penalty. Prohibits a person who carries a concealed handgun onto the premises of any public park or other public space when alcoholic beverages have

been approved for sale or consumption therein from consuming an alcoholic beverage while on the premises. A violation of this provision is a Class 2 misdemeanor.

Patron - Jones

[F] HB818 Assault and battery; animal control officers; penalty. Adds animal control officers and deputy animal control officers to the list of professions against whom committing an assault or an assault and battery is subject to an enhanced penalty. The bill provides that any person who commits an assault or an assault and battery against such officer is guilty of a Class 6 felony and the sentence of such person includes a mandatory minimum term of confinement of six months.

Patron - Hope

[F] HB853 Recklessly allowing access to firearms to certain persons; penalty. Provides that any person who (i) sells, barter, gives, or furnishes; (ii) has in his possession or under his control with the intent of selling, bartering, giving, or furnishing; or (iii) recklessly allows access to any firearm to any person he knows or has reason to believe is prohibited from possessing or transporting a firearm is guilty of a Class 4 felony. Under current law, such prohibition applies only to a person who (a) sells, barter, gives, or furnishes or (b) has in his possession or under his control with the intent of selling, bartering, giving, or furnishing any firearm to any person he knows is prohibited from possessing or transporting a firearm.

Patron - Murphy

[F] HB856 Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Provides that a court shall order a person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that any person who fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to retrieve such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is the subject to a permanent protective order. This bill was incorporated in HB 1004.

Patron - Murphy

[F] HB899 Manufacture, import, sale, transfer, or possession of restricted firearm ammunition; penalty. Makes it a Class 5 felony to manufacture, import, sell, transfer, or possess any restricted firearm ammunition, defined in current law as bullets, projectiles, or other types of ammunition that are (i) Teflon coated or coated with a similar product; (ii) commonly known as "KTW" bullets or "French Arcanes"; or (iii) cartridges containing bullets coated with a plastic substance with other than lead or lead alloy cores, jacketed bullets with other than lead or lead alloy cores, or cartridges of which the bullet itself is wholly composed of a metal or metal alloy other than lead, but the definition does not include shotgun

shells or solid plastic bullets. The bill provides exceptions to the prohibition and provides that any restricted ammunition possessed in violation of the law shall be forfeited to the Commonwealth.

Patron - Levine

F HB900 Prohibition on possession, purchase, or transport of firearms following certain misdemeanor convictions; penalties. Prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, brandishing a firearm, or two or more convictions of assault and battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor or, upon a third or subsequent conviction of this or certain other firearms offenses, is guilty of a Class 6 felony. This bill was incorporated into HB 1288.

Patron - Levine

F HB911 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. This bill was incorporated by HB 896.

Patron - Simon

F HB924 Unlawful dissemination or sale of images of another; threats; penalty. Makes it a Class 1 misdemeanor for a person to communicate a threat, orally or in a writing, to disseminate or sell any videographic or still image created by any means whatsoever that depicts the threatened person as being totally nude, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, and where such person knows or has reason to know that he is not licensed or authorized to disseminate or sell such videographic or still image.

Patron - Coyner

F HB936 Armed robbery; penalty. Increases the punishment for robbery by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever, by including a mandatory minimum term of confinement of five years. Under current law, such offense is punishable by a term

of confinement in a state correctional facility for life or any term not less than five years, which remains the same, but current law does not include a mandatory minimum term of confinement.

Patron - Brewer

F HB944 Picketing or disrupting tranquility of home; exceptions eliminated. Removes from the crime of picketing or disrupting tranquility of home the exceptions for (i) the picketing in a lawful manner of the place of employment involved in a labor dispute, (ii) the picketing in a lawful manner of a construction site, and (iii) the holding a meeting or assembly on premises commonly used for the discussion of subjects of general public interest. The bill also clarifies that any court authorized to award injunctions may enjoin prohibited conduct related to such crime and may award damages against any person found guilty of such crime.

Patron - Marshall

F HB964 Firearms; restoration of rights of persons convicted of violent felonies. Provides that a person who has been convicted of an act of violence or a violent felony may not petition for a restoration order that unconditionally authorizes possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon until one year after his civil rights have been restored by the Governor or other appropriate authority. The bill further provides that if such person is convicted of a violent misdemeanor, defined in the bill, after his civil rights have been restored, then he may not petition for such order until two years after the date of conviction.

Patron - Jenkins

F HB1001 Assault and battery against a family or household member; prior conviction; term of confinement. Provides that an individual with a prior conviction of assault and battery against a family or household member within the previous five years shall be confined for a minimum of 60 days.

Patron - Murphy

F HB1039 Felony homicide; repeal. Repeals the crime of felony homicide. Under current law, felony homicide is the killing of one accidentally, contrary to the intention of the parties, while in the prosecution of some felonious act other than capital murder or first degree murder.

Patron - Rasoul

F HB1060 Ultrasound prior to abortion; physician civil penalty exemption. Provides that no physician shall be subject to a civil penalty for failure to perform or supervise the performance of the ultrasound imaging required prior to an abortion if, in his medical judgment, such ultrasound imaging is not medically necessary. Currently, any physician who violates any provision of the abortion informed consent statute is subject to a \$2,500 civil penalty. This bill was incorporated into HB 980.

Patron - Adams, D.M.

F HB1069 Unauthorized use of dairy milk cases or milk crates. Repeals provisions that make it a Class 4 misdemeanor for any person to (i) buy, sell, or dispose of any milk case or milk crate bearing the name or label of the owner without the written consent of the owner or his designated agent; (ii) refuse, upon written demand of the owner or his designated agent, to return to the owner or his designated agent any milk case or milk crate bearing the name or label of the owner; or (iii) deface, obliterate, erase, cover up, or otherwise remove or conceal any name, label, registered trademark, insignia, or other business identification of an owner of a milk case or milk crate without the consent of the owner, for the purpose of

destroying or removing from the milk case or milk crate evidence of its ownership.

Patron - Adams, D.M.

F HB1070 Expectorating in public places; repeal. Repeals the crime of expectorating in public places.

Patron - Adams, D.M.

F HB1072 Use of profane, threatening, or indecent language over public airways or by other methods. Provides that using obscene, vulgar, profane, lewd, lascivious, or indecent language, with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio is no longer a crime punishable as a Class 1 misdemeanor.

Patron - Adams, D.M.

F HB1079 Possession of weapons; Capitol Square and legislative buildings; penalties. Prohibits the possession of a (i) firearm or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon, including explosives, stun weapons, or any weapon currently prohibited from being carried concealed while in (a) the Capitol of Virginia, (b) Capitol Square, (c) any other building owned or leased by the Commonwealth and used predominantly for the conduct of the business of the General Assembly, or (d) any other building where the General Assembly is meeting in session. The prohibition does not apply to law-enforcement officers, authorized security personnel, or active-duty military personnel in the performance of such person's lawful duties. A first offense is punishable as a Class 2 misdemeanor and a second or subsequent offense is punishable as a Class 1 misdemeanor.

Patron - Hope

F HB1125 Charitable Gaming Board; Texas Hold'em poker events. Allows certain 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.

Patron - Davis

F HB1168 Sexual abuse of certain children; penalty. Raises the penalty for sexual abuse of a child 13 or 14 years old from a Class 1 misdemeanor to a Class 5 felony.

Patron - Wampler

F HB1175 Use or display of firearm in committing felony; penalty. Increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies.

Patron - Poindexter

F HB1180 Misdemeanor; maximum term of confinement. Reduces the maximum term of confinement in jail for a Class 1 misdemeanor and certain unclassified misdemeanors from 12 months to 364 days.

Patron - Lopez

F HB1190 Throwing or depositing certain materials or substances on land used for agricultural purposes; penalty. Makes it a Class 1 misdemeanor for any person to throw or deposit or cause to be deposited upon any land used for agricultural purposes any glass bottle, glass, nail, tack, wire, or can, or any other material or substance, that causes property damage of \$200 or more to any machinery or motor vehicle being used in an agricultural operation on such land.

Patron - Poindexter

F HB1287 Employees of a firearms dealer. Provides that no person, corporation, or proprietorship licensed as a firearms dealer shall employ any person who is prohibited from possessing a firearm. Under current law, such restriction is limited to persons employed as a seller for the transfer of firearms.

Patron - Murphy

F HB1312 Local government buildings; dangerous weapons; penalty. Prohibits the possession or transport of (i) guns or other weapons designed or intended to propel a missile or projectile of any kind; (ii) frames, receivers, mufflers, silencers, missiles, projectiles, or ammunition designed for use with a dangerous weapon; or (iii) certain other dangerous weapons in any building owned or used by a locality for governmental purposes in the Commonwealth. A violation is punishable as a Class 1 misdemeanor. Currently, the possession or transport of such weapons is prohibited in any courthouse.

Patron - Kory

F HB1356 Informed consent; medication-based abortion. Requires physicians to inform patients of the availability of medications, if available, to interrupt a medication-based abortion, if she decides to do so, after such woman has taken medication in preparation for the procedure.

Patron - Walker

F HB1365 Manufacture, sale, or distribution of imitation nicotine vapor products; penalty. Prohibits the manufacture, sale, or distribution of any imitation nicotine vapor product, defined in the bill as any (i) counterfeit nicotine vapor product, also defined in the bill, or (ii) any liquid nicotine or nicotine vapor product that was not manufactured, prepared, compounded, or processed by a person registered with the U.S. Food and Drug Administration (FDA). The bill makes a first violation a Class 1 misdemeanor and a second or subsequent offense a Class 6 felony, provided that the accused was at liberty between each conviction and it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation.

Patron - Leftwich

F HB1447 Carrying loaded firearms in public while under the influence of alcohol or illegal drugs; penalties. Provides that it is a Class 1 misdemeanor for a person under the influence of alcohol or illegal drugs to carry a loaded firearm on or about his person in a public place and that a person found guilty of such act is ineligible to apply for a concealed handgun permit for a period of five years. Current law provides that such prohibition applies only to persons permitted to carry a concealed handgun.

Patron - Sickles

F HB1449 Physicians; medical specialty board certification options. Prohibits requiring maintenance of certification from physicians licensed to practice medicine in the Commonwealth, as a prerequisite to hospital medical staff membership, employment, malpractice liability insurance cov-

erage, network status, or reimbursement for services provided to a person covered by a health insurance policy.

Patron - Rasoul

F HB1475 Assault and battery against a family or household member; prior conviction; mandatory minimum term of confinement; penalty. 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 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.

Patron - McGuire

F HB1486 Carrying dangerous weapons to places of worship; repeal. Repeals the code section related to carrying dangerous weapons in places of worship.

Patron - LaRock

F HB1502 Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill was incorporated in HB 812.

Patron - Ward

F HB1510 Carrying weapon into building owned or used by the Commonwealth or political subdivision thereof; penalty. Makes it a Class 1 misdemeanor for a first or second offense for a person to transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon into a building owned or used by the Commonwealth or any agency or political subdivision thereof for governmental purposes. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, city or county treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each public entrance to all buildings owned or leased by the Commonwealth or any agency or political subdivision thereof. A third or subsequent offense of this or certain other firearms offenses is punishable as a Class 6 felony.

Patron - McQuinn

F HB1614 Victims of human trafficking; affirmative defense to prosecution for certain offenses. Provides an

affirmative defense to prosecution for prostitution and keeping, residing in, or frequenting a bawdy place if, at the time of the offense leading to such charge, such person was a victim of human trafficking, as defined in the bill, and (i) was coerced to engage in the offense through the use of force or intimidation of another, (ii) such offense was committed as part of a commercial sex trafficking scheme, or (iii) such offense was committed at the direction of an operator of a commercial sex trafficking scheme. The bill also states that a victim of human trafficking may raise such affirmative defense regardless of whether any other person has been arrested for, prosecuted for, charged with, or convicted of an offense.

Patron - Brewer

F HB1665 Battery against a sports official; penalty. Provides that if any person commits a battery against another knowing or having reason to know that such other person is a sports official engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor. The bill also provides that the sentence of such person upon conviction shall include a mandatory minimum fine of \$500 and such person shall be ordered to perform a mandatory minimum of 20 hours of community service as a condition of probation supervision. A "sports official" is defined in the bill as a coach, umpire, referee, line judge, or other person employed or volunteering in a similar capacity during an amateur or professional sporting event.

Patron - Hayes

F HB1689 Limitations on laws regarding the control of firearms. Provides that any law, executive order, administrative regulation, local ordinance, or court order shall be considered an unlawful infringement on the right of the people to keep and bear arms as guaranteed by Article I, Section 13 of the Constitution of Virginia and the Second Amendment to the Constitution of the United States if such law, order, regulation, ordinance, or order (i) imposes any tax, fee, or stamp on any firearm, ammunition, or firearm component; (ii) requires the registration of any firearm, ammunition, or firearm component; (iii) requires any person to register as an owner of a firearm, ammunition, or firearms component; (iv) prohibits any person from possessing, using, or transferring a firearm who is not prohibited from possessing a firearm; or (v) requires any person to surrender his firearm, ammunition, or firearm component who is not prohibited from possessing a firearm. The bill also provides that any person who knowingly deprives or attempts to deprive another person of such other person's right to keep and bear arms by enforcing any law, executive order, administrative regulation, local ordinance, or court order that unlawfully infringes on a person's right to keep and bear arms, even acting under the color of any state law, shall be liable for an unlawful deprivation of a person's constitutional rights and such injured person shall be entitled to damages, including punitive damages, and in the discretion of the court to an award of the cost of the litigation and reasonable attorney fees in an amount to be fixed by the court.

Patron - Campbell, R.R.

F SB12 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 testamentary 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. This bill was incorporated into SB 70.

Patron - Saslaw

[F] SB16 Prohibiting sale, transport, etc., of assault firearms and certain firearm magazines; penalties. Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, possessing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill also prohibits a person from carrying a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place; under existing law, this prohibition applies only in certain localities. The bill makes it a Class 1 misdemeanor to import, sell, barter, or transfer any firearm magazine designed to hold more than 10 rounds of ammunition.

Patron - Saslaw

[F] SB18 Firearms; criminal history record information checks; age requirement; penalty. Provides that a person must be at least 21 years old, or must be at least 18 years old by the effective date of the bill, to purchase a firearm. The bill requires a background check for any firearm transfer and requires the Department of State Police to establish a process for transferors of firearms to obtain such a check from licensed firearms dealers. A transferor who fails to obtain a required background check and transfers the firearm to another person is guilty of a Class 1 misdemeanor. The bill exempts certain transfers from the required background check. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony and that it is a Class 1 misdemeanor for any person knowingly to authorize a child under the age 18 to use a firearm except when the person is under the supervision of an adult. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor and it is a Class 1 misdemeanor for any person knowingly to authorize a child under the age 12 to use a firearm except when the person is under the supervision of an adult. The bill also raises the age from 18 to 21 for any person to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth.

Patron - Saslaw

[F] SB22 Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a

valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill was incorporated into SB 69.

Patron - Saslaw

[F] SB51 Carrying a concealed handgun; consumption of alcohol in a public park; penalty. Prohibits a person who carries a concealed handgun onto the premises of any public park or other public space when alcoholic beverages have been approved for sale or consumption therein from consuming an alcoholic beverage while on the premises. A violation of this provision is a Class 2 misdemeanor.

Patron - Spruill

[F] SB67 Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

Patron - McClellan

[F] SB68 Provision of abortion; ultrasound requirement. Eliminates the requirement that a pregnant woman seeking to obtain an abortion undergo a fetal transabdominal ultrasound at least 24 hours prior to obtaining an abortion, or at least two hours prior to obtaining an abortion if the pregnant woman lives at least 100 miles from the facility where the abortion is to be performed. This bill was incorporated into SB 733.

Patron - Locke

[F] SB75 Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 3 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.

Patron - Howell

[F] SB76 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

[F] SB82 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 - DeSteph

F SB83 Brandishing a firearm; law-enforcement officer; penalty. Provides for a six-month mandatory minimum sentence upon conviction of a person for pointing, holding, or brandishing a firearm or air-operated or gas-operated weapon or object similar in appearance at someone who the person knows or has reason to know is a law-enforcement officer in such manner as to reasonably induce fear in the mind of another.

Patron - DeSteph

F SB84 Concealment of firearm in committing felony; penalty. Provides that a person is guilty of a separate felony if he carries about his person any pistol, shotgun, rifle, or other firearm that is hidden from common observation while committing or attempting to commit certain other felonies. A first offense is punishable by a mandatory minimum term of confinement of three years and a second or subsequent offense is punishable by a mandatory minimum term of confinement of five years.

Patron - DeSteph

F SB85 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 - DeSteph

F SB86 Use or display of firearm in committing felony; penalty. Increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies.

Patron - DeSteph

F SB88 Discharging firearm; penalty. Imposes a mandatory minimum term of imprisonment of three years for violations of (i) maliciously discharging a firearm within or at an occupied building or dwelling house; (ii) willfully discharging a firearm within or at any school building, upon the buildings or grounds of any school, or upon any public property within 1,000 feet of the property line of a school; and (iii) intentionally discharging a firearm while in or on a motor vehicle so as to create risk of death or injury to another person. The bill also imposes a mandatory minimum term of imprisonment of one year for violations of (a) unlawfully, but not maliciously, discharging a firearm within or at an occupied building or dwelling house and (b) willfully discharging a firearm in a public place when such discharge results in bodily injury to another person. The bill imposes a mandatory minimum term of confinement in jail of 90 days for violations of willfully discharging a firearm in a public place when such discharge does not result in bodily injury to another person.

Patron - DeSteph

F SB89 Violation of protective order while 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 - DeSteph

F SB90 Capital murder; punishment. Provides that any person convicted of capital murder involving the willful, deliberate, and premeditated killing of more than one person as part of the same act or transaction or more than one person within a three-year period, and 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 - DeSteph

F SB145 Violations of protective orders; penalty. Provides that any person who commits any assault, assault and battery, or bodily wounding upon any party protected by a protective order is guilty of a Class 6 felony. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party.

Patron - Stuart

F SB154 Allowable purposes for restricted licenses. Adds travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment to the list of purposes for which a court may issue a restricted driver's license. This bill was incorporated by SB 439.

Patron - Stuart

F SB197 Oral threats of death or bodily injury to a person or member of his family or to persons on school property; penalty. Provides that any person who orally threatens another person in person to kill or do bodily injury to such other person or any member of the other person's family, and the threat places such other person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 5 felony. The bill also provides that any person who orally threatens to kill or do bodily harm to another person in person (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus to any person or persons is guilty of a Class 6 felony.

Patron - Cosgrove

F SB242 Carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or pretrial defendant or posttrial offender; local or state law-enforcement officer; penalty. Adds law-enforcement officers to those persons who are guilty of a Class 6 felony if they are in a position of authority over and carnally know without force, threat, or intimidation any inmate, parolee, probationer, arrestee, detainee, or pretrial or posttrial offender, including those in the custody of a private, local, or state law-enforcement agency. In addition, the bill adds arrestees to the list of those persons for whom it is unlawful for a person in such authority to commit the offense of carnal knowledge. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Marsden

F SB287 Destruction of criminal history information for certain charges and convictions. Provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by

the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. This bill was incorporated into SB 306.

Patron - Deeds

[F] SB331 Capital murder of a person in a school setting; penalty. Provides that the willful, deliberate, and premeditated killing of any person by another when such person is upon the property of any child day center, any public, private, or religious preschool, elementary school, middle school, or high school, or any institution of higher education is punishable as capital murder, a Class 1 felony. The bill also provides that any person convicted of such offense shall be sentenced to no less than a mandatory minimum term of confinement for life.

Patron - Stuart

[F] SB372 Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Provides that a court shall order a person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency, or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm, and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The bill provides that any person who fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is the subject to a permanent protective order. This bill was incorporated into SB 479.

Patron - Saslaw

[F] SB440 Electronic transmission of sexually explicit visual material by minors; penalties. Provides that a minor who (i) knowingly transmits, distributes, publishes, or disseminates to another minor an electronically transmitted communication containing sexually explicit visual material of his own person or (ii) knowingly possesses at least one but not more than 10 electronically transmitted communications containing sexually explicit visual material of another minor is guilty of a Class 2 misdemeanor.

Patron - Surovell

[F] SB467 Killing or injuring police animals; penalty. Provides that the punishment 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, shall be

separate and apart from, and shall be made to run consecutively with, any other sentence.

Patron - Reeves

[F] SB483 Abuse and neglect of children; contact with other parent; penalty. Provides that any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission interferes with such child's contact and relationship with the other parent, guardian, or other person responsible for the care of such child, including unreasonably denying the other parent, guardian, or other person responsible for the care of such child access to or visitation with such child, is guilty of a Class 6 felony.

Patron - DeSteph

[F] SB520 Driving under the influence; secure transdermal alcohol monitoring; penalty. Provides that the court may, upon request of an offender convicted for DUI who has not been previously prohibited from operating a vehicle that is not equipped with a functioning ignition interlock system, order that the offender (i) wear a secure transdermal alcohol-monitoring device that continuously monitors the person's blood alcohol level and (ii) refrain from alcohol consumption. The bill provides that if an offender is ordered to wear such a device, the only conditions that will be imposed upon the offender's restricted driver's license, if one is issued, shall be the wearing of such a device and the existing requirement to have an ignition interlock system. The bill also provides that it is a Class 1 misdemeanor to tamper with or in any way attempt to circumvent the operation of a secure transdermal alcohol-monitoring device. This bill was incorporated by SB 439.

Patron - McDougle

[F] SB581 Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.

Patron - Howell

[F] SB614 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

[F] SB751 Charitable gaming; regulations of the Charitable Gaming Board; creation of systems to ensure the integrity of certain games. Requires the Charitable Gaming Board to adopt regulations that create a system for ensuring the integrity of the management, operation, and conduct of instant bingo, pull tabs, and seal cards. The bill also requires the Board to adopt regulations that create a system that requires each electronic game of chance device approved by the Department of Agriculture and Consumer Services to be connected to a central monitoring and audit system for the purpose of ensuring the integrity of such devices. The bill requires that such system provide the ability to audit and account for device revenues and distributions in a timely and accurate manner. The bill requires that each electronic game of chance device store certain specified information and that such information also be stored on a server, which shall be backed up at least once per day to an offsite storage facility controlled by the qualified organization. The bill provides that the regulations shall require that the server and offsite backup storage be accessible

to the Board and employees of the Board and subject to third-party checks and validation as may be required by the Board. Finally, the bill requires the Board to adopt regulations that prohibit the remote modification or manipulation of Department-approved electronic games of chance.

Patron - Reeves

[F] SB781 Leaving an unattended handgun in public; penalty. Makes it a Class 3 misdemeanor for a person to leave an unattended handgun in public view in any public place, including any public building or place where the public assemble, any street, highway, or other public conveyance, or any sidewalk abutting on any public street, alley, or lane of any town or city. The bill also provides that a second or subsequent violation is punishable as a Class 2 misdemeanor.

Patron - Lewis

[F] SB807 Larceny; subsequent offenses; penalty. Eliminates the enhanced Class 6 felony applicable for a third or subsequent offense of petit larceny.

Patron - Morrissey

[F] SB815 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 apply only to criminal violations or civil violations by a juvenile, and the driver's license suspension provisions apply only to criminal violations. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. This bill was incorporated into SB 2.

Patron - Morrissey

[F] SB825 Carrying loaded firearms. Prohibits carrying loaded firearms in government buildings.

Patron - Chase

[F] SB844 Computer trespass; penalty. Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. This bill was incorporated into SB 378.

Patron - Mason

[F] SB901 Concealed handgun permits. Allows residents to carry concealed handguns without acquiring a concealed carry permit.

Patron - Chase

[F] SB908 Illegal gambling; skill games; exception. Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating

the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements. This bill was incorporated into SB 971.

Patron - Norment

[F] SB909 Virginia Lottery Board; regulation of the manufacturing, distributing, owning, hosting, and playing of electronic gaming devices; penalties. Authorizes the manufacture, distribution, owning, hosting, and playing of electronic gaming devices in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, owning, and hosting of electronic gaming devices and imposes criminal and civil penalties for violations of the law and regulations related to electronic gaming devices. The bill directs the Board to establish a maximum combined number of electronic gaming devices that may be hosted at host locations throughout the Commonwealth. The bill prohibits any host location from being located within a one-mile radius of any lottery sales agent and prohibits any host location licensee from offering more than nine electronic gaming devices to the public for play at such host location's establishment. The bill imposes a 12 percent tax on all gross profits from the play of electronic gaming devices and provides for how the tax proceeds are disbursed. 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. This bill was incorporated into SB 971.

Patron - Norment

[F] SB958 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 - Chase

[F] SB964 Assault and battery of private police officers; penalty. Adds private police officers employed by a private police department to the definition of law-enforcement officer for purposes of the crimes of assault and assault and battery. The current punishment for assault or assault and battery against a law-enforcement officer engaged in the performance of his public duties is a Class 6 felony with a six-month mandatory minimum sentence.

Patron - Hanger

[F] SB982 Physicians; medical specialty board certification options. Prohibits requiring maintenance of certification from physicians licensed to practice medicine in the Commonwealth as a prerequisite to hospital medical staff membership, employment, malpractice liability insurance coverage, network status, or reimbursement for services provided to a person covered by a health insurance policy.

Patron - Hashmi

[F] SB997 Threats and harassment of certain officials and property; venue. Provides that certain crimes relating to threats and harassment may be prosecuted in the City of Richmond if the victim is the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia. In addition, threats to damage property may be prosecuted in the City of Richmond if the property is owned by the Commonwealth and located in the Capitol District.

Patron - Edwards

[F] SB1001 Pain-Capable Unborn Child Protection Act; penalty. Creates the Pain-Capable Unborn Child Protection Act. The Act prohibits an abortion after 20 weeks gestation unless, in reasonable medical judgment, the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. When an abortion is not prohibited post-20 weeks' gestation, the physician is required to terminate the pregnancy in a manner that would provide the unborn child the best opportunity to survive. The bill punishes performance of an abortion in violation of the Act as a Class 6 felony. The bill also provides for civil remedies against a physician who performs an abortion in violation of the Act.

Patron - Chase

Carried Over

[C] HB251 Prostitution-related crimes; minors; penalties. Makes it a Class 6 felony for an adult to visit a bawdy place with a minor when he knows that the bawdy place is used or to be used for lewdness, assignation, or prostitution. The bill also adds felony violations of such offense to (i) the list of offenses for which registration in the Sex Offender and Crimes Against Minors Registry is required, (ii) the definition of violent felony for the purposes of the sentencing guidelines, (iii) the list of predicate criminal acts that constitutes the definition of street gangs, (iv) the list of offenses that may constitute racketeering under the Virginia Racketeer Influenced and Corrupt Organization Act, and (v) 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 (a) 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 (b) placing or leaving one's wife in a bawdy place.

Patron - Watts

[C] HB252 Causing or encouraging acts rendering children sexually abused; penalty. Provides that any person 18 years of age or older who (i) (a) has physical custody of a minor, (b) allows a minor to reside at his residence, (c) is in a position of trust or authority over a minor, or (d) is the temporary caretaker of a minor; (ii) is more than three years older than such minor; and (iii) willfully contributes to, encourages, or causes any act, omission, or condition that results in any sexual act upon the minor in violation of the law is guilty of a Class 4 felony.

Patron - Watts

[C] HB288 Criminal sexual assault; definition of sexual abuse; complaining witness under age 13; penalty. Includes in the definition of "sexual abuse" the intentional touching of any part of a complaining witness's body, on either 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 Class 1 misdemeanor prohibiting adult penetration of the mouth of a child under the age of 13 with lascivious intent.

Patron - Gooditis

[C] HB323 Criminal sexual assault; definition of intimate parts. Includes in the definition of "intimate parts," for the purposes of criminal sexual assault, the chest of a child under the age of 15.

Patron - Ayala

[C] HB673 Cruelty to children; penalty. Increases the penalty from a Class 6 felony to a Class 4 felony for any person employing or having custody of a child to willfully cause or permit such child to be tortured physically or psychologically, tormented, mutilated, beaten, or cruelly treated. The bill includes such offense in the definition of "violent felony" for purposes of determining felony sentencing guidelines. The bill also includes willful and negligent acts of cruelty and injuries to children in offenses prohibiting a person from operating or residing in a family day home and provides that a conviction is a barrier crime for persons providing care to certain children or the elderly or disabled.

Patron - Mullin

[C] HB864 Infected sexual battery. Provides that, in order for a person to be convicted of infected sexual battery, such person (i) knew that he was infected at the time of the offense with HIV, syphilis, or hepatitis B and (ii) knew that his infection was currently detectable and transmittable, and committed the offense without using a prophylactic barrier, including a condom or dental dam.

Patron - Levine

[C] HB871 Robbery; penalty. Defines "robbery" and creates degrees of punishment corresponding to the severity of a robbery offense. Any person who commits a robbery by causing serious bodily injury is guilty of robbery in the first degree, which is punishable by confinement in a state correctional facility for a maximum term of life. Any person who commits robbery by displaying a firearm in a threatening manner is guilty of robbery in the second degree, which is punishable by confinement in a state correctional facility for a maximum term of 20 years. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by displaying a deadly weapon other than a firearm in a threatening manner, is guilty of robbery in the third degree, which is punishable as a Class 5 felony. Any person who commits robbery by using threat or intimidation not involving a deadly weapon is guilty of robbery in the fourth degree, which is punishable as a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years.

Patron - Bourne

[C] HB961 Prohibiting sale, transport, etc., of assault firearms, certain firearm magazines, silencers, and trigger activators; penalties. Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, possess, or transport silencers, and trigger activators, all defined in the bill. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, or transport a large-capacity firearm magazine, as defined in the bill, and a Class 1

misdeemeanor to possess such large-capacity firearm magazine. Any person who legally owns a large-capacity firearm magazine, silencer, or trigger activator on July 1, 2020, may retain possession until January 1, 2021. During that time, such person shall (i) render the large-capacity firearm magazine, silencer, or trigger activator inoperable; (ii) remove the large-capacity firearm magazine, silencer, or trigger activator from the Commonwealth; (iii) transfer the large-capacity firearm magazine, silencer, or trigger activator to a person outside the Commonwealth who is not prohibited from possessing it; or (iv) surrender the large-capacity firearm magazine, silencer, or trigger activator to a state or local law-enforcement agency.

Patron - Levine

HB1063 Common-law crime of suicide. Abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment.

Patron - Kory

HB1111 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 a Class 1 misdemeanor.

Patron - Hudson

HB1119 Flavored tobacco products; sale prohibited; civil penalty. Prohibits the sale, distribution, offering for sale or distribution, or causing the sale or distribution of flavored tobacco products, as that term is defined in the bill, and imposes a civil penalty not to exceed \$500 for the first violation, \$1,000 for a second violation, \$1,500 for a third violation, and \$2,000 for the fourth or subsequent violation. The bill also provides that, in addition to the civil penalties, a third violation is punishable by suspension of a permit as a stamping agent for a period of 15 days, and a fourth or subsequent violation is punishable by revocation of a permit as a stamping agent and a prohibition on reapplication for a permit to act as a stamping agent for a period of three years.

Patron - Hope

HB1185 Sale of nicotine vapor products; penalties. Limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed and to maintain required age verification documentation for every transaction. The bill also prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products and prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic acid). The bill further requires a person selling a tobacco product, nicotine vapor

product, or alternative nicotine product to obtain identification as proof of a buyer's age in any circumstance. Under current law, such identification is not required from an individual who the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age.

Patron - Lopez

HB1288 Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; permit to restore rights; penalties. Prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, or 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 purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement. This bill incorporated HB 78, HB 459, and HB 900.

Patron - Murphy

HB1433 Destruction of criminal history information for certain charges and convictions. Provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference.

Patron - Jones

HB1507 Possession of marijuana. Allows for possession of small amounts of marijuana for personal use.

Patron - Carroll Foy

SB13 Possessing or transporting a weapon within Capitol Square; penalty. Makes it a Class 1 misdemeanor for a person to possess or transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon within Capitol Square, which includes the state-owned buildings that border its boundary streets. A dangerous weapon includes a bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, fighting chain, throwing star, and oriental dart or any weapon of like kind. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, county or city treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the possessing or transporting of such weapons be posted at each public entrance to Capitol Square. The bill provides that any weapon or item possessed or transported in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth.

Patron - Ebbin

SB15 Carrying weapon into building owned or leased by the Commonwealth; penalty. Makes it a Class 1 misdemeanor for a person to transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon into a building owned or leased by the Commonwealth or any agency thereof, where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, city or county treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each public entrance to all buildings owned or leased by the Commonwealth or any agency thereof.

Patron - Ebbin

SB32 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 inanimate 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

SB148 Driving under the influence. Provides that the provisions regarding driving or operating a motor vehicle, engine, or train while intoxicated and the provisions regarding operating a motor vehicle by a person under the age of 21 after illegally consuming alcohol shall not apply to any person driving or operating a motor vehicle on his own residential property or the curtilage thereof.

Patron - Stuart

SB306 Destruction of criminal history information for certain charges and convictions. Provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates SB 287.

Patron - Stanley

SB387 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 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 - McPike

SB449 Abolition of the death penalty. Abolishes the death penalty, including for those persons currently under a death sentence.

Patron - Surovell

SB490 Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; permit to restore rights; penalties. Prohibits a person who has been convicted of stalking, sexual battery, or assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement.

Patron - Favola

SB537 Limitation on mandatory minimum punishment. Provides that mandatory minimum punishments shall not apply to any sentence imposed for an offense committed on or after July 1, 2020.

Patron - Edwards

SB802 Death penalty executions; moratorium. Imposes a moratorium on executions. The bill does not affect any other matter of law related to the death penalty, including bringing and trying capital charges, sentencing proceedings, imposition of the death penalty, appeals of the death penalty, and habeas review. The moratorium will remain in effect until adjournment of the first regular session of the General Assembly after a joint subcommittee established pursuant to a joint resolution passed by the 2020 General Assembly conducts a study of the death penalty in the Commonwealth and issues a report of its conclusions and recommendations.

Patron - Morrissey

SB805 Robbery; penalty. Defines "robbery" and creates degrees of punishment corresponding to the severity of a robbery offense. Any person who commits a robbery by causing serious bodily injury is guilty of robbery in the first degree, which is punishable by confinement in a state correctional facility for a maximum term of life. Any person who commits robbery by displaying a firearm in a threatening manner is guilty of robbery in the second degree, which is punishable by confinement in a state correctional facility for a maximum term of 20 years. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by displaying a deadly weapon other than a firearm in a threatening manner, is guilty of robbery in the third degree, which is punishable as a Class 5 felony. Any person who commits robbery by any other means is guilty of robbery in the fourth degree, which is pun-

ishable as a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years.

Patron - Morrissey

C SB819 Drug Treatment Court Act; authorization and availability. Provides that any jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. The bill also provides that a drug treatment court shall be available to every defendant irrespective of the jurisdiction.

Patron - Morrissey

C SB1052 Virginia Charitable Gaming Board; regulations of the Board; electronic or mechanical equipment used in the conduct of charitable gaming. 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 Virginia Charitable Gaming Board regulations, to 28.

Patron - Reeves

Criminal Procedure

Passed

P HB100 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. This bill is identical to SB 325.

Patron - Lindsey

P HB113 Protected information; newspersons engaged in journalism. Provides that no newsperson engaged in journalism shall be compelled by the Commonwealth or a locality in any criminal proceeding to testify about, disclose, or produce protected information, as defined in the bill, except when the court finds that (i) the protected information is necessary to the proof of an issue material to an administrative 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 or criminal proceeding.

Patron - Roem

P HB136 Bail bondsman; deposit for surrender of principal for reasons other than principal's failure to appear. Provides that if a bail bondsman on a bond in a recognizance surrenders his principal for any reason other than the principal's failure to appear in any court, the bondsman shall deposit with the clerk of court or magistrate the greater of 10 percent of the amount of the bond or \$50, which shall be made at such time the bondsman makes application for a capias. Under current law, such deposit is made by a bail bondsman on a bond in recognizance if he surrenders his principal for any reason other than a summons to show cause issued by the court for which the principal is to appear. The bill also replaces

"principal" with "payer" in specifying to whom deposited funds are returned if the court finds that the surrender of the principal by the bondsman was unreasonable. If the bondsman does not petition the court for the return of the deposited funds within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund. This bill incorporates HB 138.

Patron - Collins

P HB259 Unrestorably incompetent defendant; competency report. Provides that in cases where a defendant is likely to remain incompetent for the foreseeable future 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 proceed 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. The bill also provides that such person who is found unrestorably incompetent to stand trial shall be prohibited from purchasing, possessing, or transporting a firearm. This bill is identical to SB 670.

Patron - Simon

P HB262 Inquiry and report of immigration status; certain victims or witnesses of crimes. Prohibits law-enforcement officers from inquiring into the immigration status of a person who (i) reports that he is a victim of a crime or a parent or guardian of a minor victim of a crime or (ii) is a witness in the investigation of a crime or the parent or guardian of a minor witness to a crime. However, a law-enforcement officer is not prohibited from making such an inquiry if it is necessary for the enforcement or implementation of certain criminal provisions or if the parent or guardian has been arrested for, has been charged with, or is being investigated for a crime against the minor victim.

Patron - Lopez

P HB277 Community service work in lieu of payment of fines and costs. Provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. This bill incorporates HB 965 and is identical to SB 736.

Patron - Price

P HB298 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 if the offender was an adult at the time of the offense and more than three years older than the victim for the following misdemeanor violations: carnal knowledge of detainee 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. This bill is identical to SB 724.

Patron - Tran

P HB366 Public defender offices; Cities of Manassas and Manassas Park and County of Prince William. Establishes a public defender office for the Cities of Manassas and Manassas Park and the County of Prince William. This bill is identical to SB 72.

Patron - Carroll Foy

P HB639 Persons acquitted by reason of insanity; use of two-way electronic communications in proceedings. Permits the annual or biennial hearing required for persons acquitted of a criminal offense by reason of insanity to be conducted using a two-way electronic video and audio communication system unless objected to by the acquittee, the acquittee's attorney, or the attorney for the Commonwealth.

Patron - Hurst

P HB660 Deferred dispositions; property crimes; larceny and receiving stolen goods. Provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. The bill also provides that deferred disposition will no longer be allowed for peeping crimes. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates HB 1592 and is identical to SB 286.

Patron - Mullin

P HB746 Custodial interrogation of a child; parental notification and contact. Requires that prior to the custodial interrogation of a child who has been arrested by a law-enforcement officer for a criminal violation, the child's parent, guardian, or legal custodian be notified of the child's arrest and the child have contact with his parent, guardian, or legal custodian. Such notification and contact may be in person, electronically, by telephone, or by video conference. However, notification and contact prior to a custodial interrogation is not required if the parent, guardian, or legal custodian is a codefendant in the alleged offense; the parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; the person cannot reasonably be located or refuses contact with the child; or the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information.

Patron - Watts

P HB752 Postrelease incarceration of felons sentenced for certain offenses. Clarifies that offenders who are convicted of knowingly failing to register or reregister with, or knowingly providing materially false information to, the Sex Offender and Crimes Against Minors Registry are subject to added terms of postrelease incarceration. The bill also clarifies that when a sentence is imposed upon conviction of a felony that includes an active term of incarceration and the court does not order a suspended term of confinement of at least six months, a period of postrelease incarceration shall be imposed that is not less than six months or more than three years. The bill also clarifies that it is the period of postrelease incarceration that is required to be suspended, not the period of postrelease supervision. As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to SB 312.

Patron - Jones

P HB787 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, gender, disability, gender identity, sexual orientation, 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, gender, disability, gender identity, sexual orientation, color, or national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence.

Patron - Bagby

P HB821 Saliva or tissue sample required for DNA analysis after arrest for a violent felony. Clarifies that the Department of Forensic Science may retain a DNA sample from a person who was arrested for a violent felony if such person was convicted of a misdemeanor offense that would otherwise require the sample to remain in the DNA data bank.

Patron - Jenkins

P HB824 Ex parte requests for expert assistance in criminal cases. Provides that in any case in which a defendant is charged with a felony offense or a Class 1 misdemeanor and determined to be indigent by the court, the defendant or his attorney, upon notice to the Commonwealth, may move the court to designate another judge in the same circuit to hear an ex parte request for appointment of a qualified expert to assist in the defense. For a motion for expert assistance, the bill requires a defendant or his attorney to state under oath or in a sworn declaration that a need for confidentiality exists. Upon receiving the defendant's or his attorney's declaration of need for confidentiality, the court is required to conduct an ex parte hearing as soon as practicable on the request for authorization to obtain expert assistance. After a hearing upon the motion, the court is required to authorize the defendant or his attorney to obtain expert assistance upon a showing that the requested assistance would materially assist the defendant and that the denial of such services would result in a fundamentally unfair trial.

Under current law, in a capital case, a defendant or his attorney is required to show, in an adversarial proceeding before the trial judge, a particularized need for confidentiality of the request for expert assistance. Upon a finding, by clear and convincing evidence, that a particularized need for confidentiality of the expert services exists, the court holds an ex parte hearing and may order the appointment of a qualified expert upon a showing that the provision of the requested expert services would materially assist the defendant in preparing his defense and the lack of such confidential assistance would result in a fundamentally unfair trial. There is no such procedure to appoint a qualified expert in noncapital cases.

Patron - Hope

P HB873 Discovery in criminal cases. Establishes requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides that discovery shall be provided at a reasonable time before trial but that in no case shall it be provided later than (i) 14 days before trial on a misdemeanor in circuit court, (ii) 30 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of 30 years or less, or (iii) 90 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of more than 30 years. The bill also provides a mechanism for redaction of certain personal identifying information and creates a procedure

for either party to move the court to enter a protection order with regard to discovery. Finally, the bill grants the court the ability to impose various remedies it deems just if a party fails to comply with any of the requirements. This bill incorporates HB 1153.

Patron - Bourne

P HB974 **Petition for writ of actual innocence.** Provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. This bill is identical to SB 511.

Patron - Herring

P HB988 **Compensating victims of crime; persons eligible for award; grandchildren.** Includes grandchildren of the victim of a crime, who are alive at the time of the commission of the crime, in the list of persons eligible for compensation as a result of the death of the victim (i) as a direct result of the crime or (ii) due to the victim's trying to prevent a crime or attempted crime from occurring or trying to apprehend a person who had committed a crime in his presence or had committed a felony.

Patron - Batten

P HB1023 **Custodial interrogations; recording.** Provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of the entirety of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the entirety of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference.

Patron - Adams, L.R.

P HB1047 **Fingerprints and photographs by police authorities; reports to the Central Criminal Records Exchange.** Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of persons who plead guilty or are found guilty for driving while intoxicated when charged by summons. The bill also provides that such summons information may be entered into

the Virginia Criminal Information Network. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 926.

Patron - Krizek

P HB1048 **Fingerprints and photographs by police authorities.** Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 925.

Patron - Krizek

P HB1150 **Inquiry and report of immigration status; persons charged with or convicted of certain crimes.** Provides that the provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and (iii) 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 are limited to felony offenses. The bill also provides that the clerk of court report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile adjudicated of delinquency or finding of guilt for a violent juvenile felony. This bill incorporates HB 244 and is identical to SB 491.

Patron - Lopez

P HB1462 **Admission to bail; rebuttable presumptions against bail.** Eliminates the provision prohibiting a judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court from admitting to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail without the concurrence of an attorney for the Commonwealth. The bill also eliminates the requirement that notice be provided to the attorney for the Commonwealth before such judicial officer may set or admit a person to bail.

Patron - Scott

P HB1522 **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. This bill incorporates HB 225.

Patron - Simon

P HB1544 **Strip searches of children.** Provides that no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer. The bill provides exceptions for (i) children committed to the Department of Juvenile Justice or confined or detained in a secure local facility for juveniles or a jail or other facility for the detention of adults; (ii) persons in custodial arrests for a traffic infraction, Class 3 or 4 misdemeanor, or violation of a city, county, or town ordinance that is punishable by no more than 30 days in jail where there is reasonable cause to believe on the part of a law-enforcement officer that the

individual is concealing a weapon; or (iii) persons taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order. This bill received Governor's recommendations.

Patron - Carter

P SB72 Public defender offices; Cities of Manassas and Manassas Park and County of Prince William. Establishes a public defender office for the Cities of Manassas and Manassas Park and the County of Prince William. This bill is identical to HB 366.

Patron - Surovell

P SB133 Deferred disposition in criminal cases. Allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability and the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person's disorder or disability.

Patron - Stuart

P SB286 Deferred dispositions; property crimes; larceny and receiving stolen goods. Provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. The bill also provides that deferred disposition will no longer be allowed for peeping crimes. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates SB 309 and is identical to HB 660.

Patron - Deeds

P SB294 Bail bondsman; petition for return of deposit for surrender of principal; deposited funds credited to Literary Fund. Provides that if a bail bondsman does not petition the court for the return of funds deposited for the surrender of his principal within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund. This bill is a recommendation of the Committee on District Courts and the Judicial Council.

Patron - Marsden

P SB312 Postrelease incarceration of felons sentenced for certain offenses. Clarifies that offenders who are convicted of knowingly failing to register or reregister with, or knowingly providing materially false information to, the Sex Offender and Crimes Against Minors Registry are subject to added terms of postrelease incarceration. The bill also clarifies that when a sentence is imposed upon conviction of a felony that includes an active term of incarceration and the court does not order a suspended term of confinement of at least six months, a period of postrelease incarceration shall be imposed that is not less than six months or more than three years. The bill also clarifies that it is the period of postrelease incarceration that is required to be suspended, not the period of postrelease supervision. As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to HB 752.

Patron - Stanley

P SB325 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. This bill is identical to HB 100.

Patron - Deeds

P SB491 Inquiry and report of immigration status; persons charged with or convicted of certain crimes. Provides that the provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and (iii) 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, are limited to felony offenses. The bill also provides that the clerk of court report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile adjudicated of delinquency or finding of guilt for a violent juvenile felony. This bill is identical to HB 1150.

Patron - Surovell

P SB511 Petition for writ of actual innocence. Provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. This bill is identical to HB 974.

Patron - Edwards

P SB670 Unrestorably incompetent defendant; competency report. Provides that in cases where a defendant is likely to remain incompetent for the foreseeable future 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 proceed 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. The bill also provides that such person who is found unrestorably incompetent to stand trial shall be prohibited from purchasing, possessing, or transporting a firearm. This bill is identical to HB 259.

Patron - Mason

P SB683 Competency to stand trial; outpatient treatment. Clarifies that for the purposes of restorative treat-

ment for a person incompetent but restorable to stand trial that outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority.

Patron - Mason

P SB724 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 if the offender was an adult at the time of the offense and more than three years older than the victim for the following misdemeanor violations: carnal knowledge of detainee 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. This bill is identical to HB 298.

Patron - McClellan

P SB736 Community service work in lieu of payment of fines and costs. Provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. This bill is identical to HB 277.

Patron - Obenshain

P SB801 Subpoena duces tecum; attorney-issued subpoena duces tecum; criminal cases. Provides that in any criminal case a subpoena duces tecum may be issued by the attorney of record who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. The bill provides that any such subpoena duces tecum shall be on a form approved by the Executive Secretary of the Supreme Court of Virginia, signed by the attorney as if a pleading, shall include the attorney's address, and shall be mailed or delivered to the adverse party. The bill also provides that the law governing subpoenas duces tecum issued pursuant to Rule 3A:12(b) shall apply and provides a process for objection to such attorney-issued subpoenas.

Patron - Morrissey

P SB925 Fingerprints and photographs by police authorities. Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1048.

Patron - Peake

P SB926 Fingerprints and photographs by police authorities; reports to the Central Criminal Records Exchange. Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of persons who plead guilty or are found guilty of driving while intoxicated when charged by summons. The bill also provides that such summons information may be entered into the Virginia Criminal Information Network. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1047.

Patron - Peake

P SB1018 Sentence reductions; substantial assistance to prosecution. Allows a convicted person's sentence to be reduced by the sentencing court if the court determines such person provided substantial assistance in the furtherance of the

investigation or prosecution of another person engaged in an act of grand larceny of a firearm. Consideration of sentence reduction can occur only upon motion of the attorney for the Commonwealth.

Patron - Stanley

P SB1071 Post-conviction testing of DNA. Permits private laboratories that are accredited and follow the appropriate Quality Assurance Standards issued by the Federal Bureau of Investigation to complete post-conviction testing of DNA evidence. This bill received Governor's recommendations.

Patron - Norment

Failed

F HB85 Abolition of the death penalty. Abolishes the death penalty, including for those persons currently under a death sentence.

Patron - Carter

F HB95 Jurisdiction of Court of Appeals; contempt of court. Provides that the Court of Appeals of Virginia has appellate jurisdiction over a judgment of the circuit court that holds or fails to hold a person in contempt of court. Under current law, the Court of Appeals has jurisdiction only over a judgment that holds a person in contempt of court.

Patron - Cole, M.L.

F HB138 Bail bondsman; petition for return of deposit for surrender of principal; deposited funds credited to Literary Fund. Provides that if a bail bondsman does not petition the court for the return of funds deposited for the surrender of his principal within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund. This bill is a recommendation of the Committee on District Courts and the Judicial Council. This bill was incorporated into HB 136.

Patron - Collins

F HB225 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. This bill was incorporated into HB 1522.

Patron - Freitas

F HB244 Inquiry and report of immigration status; persons charged with or convicted of certain 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. This bill was incorporated into HB 1150.

Patron - Levine

F HB258 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, 2021, and an expiration date of July 1, 2025.

Patron - Simon

F HB266 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, 2020, shall cease to accrue interest on July 1, 2020, and such accrued interest may be waived by any court. A person who owes fines and costs on which interest has accrued may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs and shall have such interest waived for any period of incarceration.

Patron - Heretick

F HB279 Sentencing proceeding by the jury after conviction; recommendation of leniency. Provides that a jury may, in ascertaining the punishment for a person convicted of a felony or Class 1 misdemeanor, recommend that the sentence imposed be suspended in whole or in part, or that sentences imposed for multiple offenses be served concurrently, except where such suspension of sentence or concurrent service is prohibited by law. The bill prohibits the trial court from imposing an active term of incarceration in excess of the active term of incarceration recommended by the jury. The bill also allows the jury to recommend that the defendant be placed on probation, make full or partial restitution, perform community service, or receive mental health or substance abuse treatment in lieu of incarceration or as a condition of any suspended sen-

tence, and requires the court to follow such recommendation unless good cause is shown for why the recommendation is inappropriate or unavailable.

Patron - Hope

F HB280 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 - Hope

F HB285 Admission to bail; secure bond. Prohibits a court from requiring the execution of a secure bond as a condition of pretrial release of a person arrested for either a felony or misdemeanor offense.

Patron - Carter

F HB401 Compensation of court-appointed counsel; waivers. Allows court-appointed counsel for parents in child welfare cases to submit a waiver application for additional compensation of \$120 in district court and \$158 for cases appealed to the circuit court.

Patron - Keam

F HB498 Hope Card Program; permanent protective orders. Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and implement a Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any general district court, juvenile and domestic relations court, or circuit court. The bill states that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

Patron - Hope

F HB711 DNA sample after arrest; certain misdemeanors. Adds indecent exposure and obscene sexual display to the list of crimes for which a DNA sample must be taken upon arrest for commission or attempted commission of such crimes. The provisions of the bill apply only to persons convicted on or after July 1, 2020.

Patron - Rush

F HB820 Court appearance of a person not free on bail. Makes various changes to provisions regarding bail hearings, including (i) the appointment of counsel for the accused, (ii) the information provided to accused's counsel, (iii) a requirement that counsel for the accused be provided with adequate time to confer with the accused prior to any bail hearing, and (iv) the compensation of counsel for the accused. Effective in due course, the bill provides that the chief judge in each circuit shall create a plan to be completed by October 1, 2020,

that establishes the means by which the jurisdiction will meet these requirements. The remainder of the bill has a delayed effective date of January 1, 2021.

Patron - Scott

F HB919 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. The bill also requires an extended preliminary protective order to specify that the respondent may at any time file a motion requesting an earlier or later hearing date and that the order shall remain in effect until the hearing. The bill requires a copy of any motion requesting a hearing to dissolve such order or requesting an earlier or later hearing date be served by personal service by the primary law-enforcement agency responsible for service and entry of protective orders. The bill contains technical amendments.

Patron - Levine

F HB922 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. The bill also requires the Department to report to the House Committee for Courts of Justice by January 1, 2021, on the development and application of the uniform reporting mechanisms. The bill has a delayed effective date of July 1, 2021, for provisions related to the creation of uniform reporting mechanisms and data collection by the Department.

Patron - Carroll Foy

F HB965 Community service work in lieu of payment of fines and costs. Provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. This bill was incorporated into HB 277.

Patron - Kilgore

F HB1153 Evidence in criminal cases; duty to provide discovery; writs of actual innocence. Requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect and copy or photograph (i) any relevant written or recorded statements or confessions made by the accused and the substance of any oral statements or confessions made by the accused to any law-enforcement officer; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, and other scientific reports and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) any relevant police reports, as defined in the bill; and (v) all relevant statements, as defined in the bill, of any non-expert witness whom the Commonwealth is required to designate on a witness

list. The bill also provides that if the accused files a written notice the accused shall (a) permit the Commonwealth to inspect, copy, or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that are within the possession, custody, or control of the accused and that the accused intends to introduce in evidence at the trial or sentencing; (b) disclose whether he intends to introduce evidence to establish an alibi; and (c) if he intends to rely upon a defense of insanity, permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the case. The bill provides that for good cause a party may withhold or redact certain information from such disclosures and the opposing party may file a motion to compel disclosure or to remove any restriction. The accused's duty to provide discovery shall be in addition to any duty to provide reciprocal discovery pursuant to Rule 3A:11 of the Rules of Supreme Court of Virginia.

The bill also provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on previously unknown, untested, or unavailable biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for either writ if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for writ based on biological evidence if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. This bill was incorporated into HB 873.

Patron - Lopez

F HB1386 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, under appropriate circumstances, bar the defendant from presenting such evidence.

Patron - Leftwich

F HB1423 Orders of restitution; enforcement. Provides that an order of restitution shall be docketed in the name of the Commonwealth on behalf of a victim, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. The bill provides that an order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The bill also states that the clerk of such court shall record and disburse restitution payments in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth. The bill provides that at any time before a judgment for restitution docketed in the name of the Commonwealth is satisfied, the court shall, at the written

request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim and remove from its automated financial system the amount of unpaid restitution.

Patron - Bell

[F] HB1444 Discovery in criminal cases; duty to provide. Requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect and copy or photograph (i) any relevant written or recorded statements or confessions made by the accused and the substance of any oral statements or confessions made by the accused to any law-enforcement officer; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, and other scientific reports and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) any relevant police reports, as defined in the bill; and (v) all relevant statements, as defined in the bill, of any non-expert witness whom the Commonwealth is required to designate on a witness list. The bill also provides that if the accused files a written notice the accused shall (a) permit the Commonwealth to inspect, copy, or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that are within the possession, custody, or control of the accused and that the accused intends to introduce in evidence at the trial or sentencing; (b) disclose whether he intends to introduce evidence to establish an alibi; and (c) if he intends to rely upon a defense of insanity, permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the case. The bill provides that for good cause a party may withhold or redact certain information from such disclosures and the opposing party may file a motion to compel disclosure or to remove any restriction. The accused's duty to provide discovery shall be in addition to any duty to provide reciprocal discovery pursuant to Rule 3A:11 of the Rules of Supreme Court of Virginia.

Patron - Cole, J.G.

[F] HB1461 Appeal from bail, bond, or recognizance order. Provides that a court may stay the execution of a bail order, in all bail decisions, for as long as reasonably practicable, but in no event more than three days, for a party to obtain an expedited appeal before the next higher court. Under current law, there is no maximum time for the stay unless the bail decision was governed by the bail presumption provisions.

Patron - Scott

[F] HB1592 Deferred dispositions; larceny. Provides that a court, upon a plea of guilty or not guilty to a first offense misdemeanor larceny charge, if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation subject to terms and conditions set by the court, provided that such person has not previously been convicted of any felony. This bill was incorporated into HB 660.

Patron - Cole, M.L.

[F] HB1618 Multi-jurisdiction grand jury investigations. Provides that a multi-jurisdiction grand jury may investigate any condition that involves or tends to promote criminal violations of any law of the Commonwealth. Under current

law, the jurisdiction of a multi-jurisdiction grand jury is limited to certain enumerated criminal offenses.

Patron - Mullin

[F] SB116 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

[F] SB118 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 and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. This bill was incorporated into SB 608.

Patron - Peake

[F] SB169 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.

Patron - DeSteph

[F] SB305 Custodial interrogations; recording. Provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. This bill is a recommendation of the Virginia Criminal Justice Conference. This bill was incorporated into SB 730.

Patron - Stanley

[F] SB309 Deferred dispositions; property crimes; larceny and receiving stolen goods. Provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and

place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. This bill is a recommendation of the Virginia Criminal Justice Conference. This bill was incorporated in SB 286.

Patron - Stanley

[F] SB396 Powers of special police appointed pursuant to a city charter. Authorizes special police officers appointed by authority of a city charter to issue summonses in lieu of warrants in misdemeanor cases if such officers are in uniform or displaying a badge of office.

Patron - Kiggans

[F] SB489 Authority to defer and dismiss a criminal case. Provides that a trial court presiding in a criminal case may, after any plea or trial, with or without a determination, finding, or pronouncement of guilt, and notwithstanding the entry of a conviction order, upon consideration of the facts and circumstances of the case, upon its own motion with the consent of the defendant, or with the agreement of the defendant and the Commonwealth, defer proceedings, defer entry of a conviction order, if none, or defer entry of a final order, and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties and placed on the record, or if there is no agreement, as may be imposed by the court. The bill provides that final disposition may include (i) conviction of the original charge, (ii) conviction of an alternative charge, or (iii) dismissal of the proceedings.

Patron - Surovell

[F] SB517 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. This bill was incorporated SB 608.

Patron - McDougle

[F] SB534 Hope Card Program; permanent protective orders. Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and implement a Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any general district court, juvenile and domestic relations court, or circuit court. The bill states that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Vogel

[F] SB608 Expungement of police and court records; pardons. Allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. The bill also allows a

person to petition for an expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, when 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. Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit. This bill incorporates SB 118 and SB 517.

Patron - Norment

[F] SB625 Failure to advise of consequences of guilty plea; vacation of conviction. Creates a mechanism for a person who is not a citizen of the United States to vacate a criminal conviction or adjudication of delinquency, other than for a violent felony or an offense that requires sex offender registration, if such person was not advised of the possible adverse consequences of such conviction or adjudication on his immigration status (i) for any conviction of such offense entered on or before July 1, 2019, or (ii) if the petitioner received actual notice that he is subject to deportation or removal from the United States, exclusion from admission to the United States, or denial of naturalization under federal law as a result of entering a plea of guilty or nolo contendere to such offense and such petition is filed within one year after receiving such notice. The bill provides that such person may file a petition with the appropriate circuit court, which may hold a hearing on the petition and either dismiss the petition or vacate the person's conviction or adjudication and order a retrial. The bill also provides that only one such petition may be filed.

Patron - Surovell

[F] SB642 Functions of a multi-jurisdiction grand jury; failure to pay wages. Adds the offense of willfully failing to pay wages to the list of offenses that a multi-jurisdiction grand jury is authorized to investigate.

Patron - Surovell

[F] SB730 Custodial interrogations; recording. Provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of the entirety of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates SB 305.

Patron - McClellan

[F] SB775 Discovery in criminal cases; penalties. Establishes requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides a mechanism for redaction of certain personal identifying information. The bill also creates a procedure whereby the parties may conduct depositions of witnesses prior to trial and use statements obtained during such depositions for impeachment

at trial as a prior inconsistent statement. The bill creates a procedure for either party to move the court to enter a protection order with regard to discovery and, if granted, the court may order any condition limiting, but not preventing, disclosure, so long as the condition is necessary to the orderly adjudication of the case or to the fair administration of justice. Finally, the bill (i) makes it a Class 6 felony for any person to willfully omit or misrepresent evidence or information required to be disclosed to the accused, (ii) makes it a Class 1 misdemeanor for any person to willfully omit or misrepresent any other evidence of information required to be disclosed, and (iii) grants the court the ability to impose additional remedies it deems just if a party fails to comply with any of the requirements.

Patron - Edwards

F SB806 Ex parte requests for investigative services or expert assistance in criminal cases. Allows a defendant or his attorney, when such defendant is charged with a felony offense or Class 1 misdemeanor and is financially unable to pay for expert assistance, to move the circuit court to designate another judge in the same circuit to hear an ex parte request for appointment of a qualified expert to assist in the preparation of the defendant's defense. Upon receiving the defendant's or his attorney's declaration of need for confidentiality, the designated ex parte judge shall conduct an ex parte hearing on the request for authorization to obtain expert assistance. After a hearing upon the motion and upon a showing that the provision of the requested expert services would materially assist the defendant in preparing his defense and the denial of such services would result in a fundamentally unfair trial, the court shall order the appointment of a qualified expert. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Morrissey

F SB823 Writs of actual innocence. Provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for either writ if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ based on biological evidence if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill also clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. Finally, the bill provides that the circuit court that entered the felony conviction or adjudication of delinquency has original jurisdiction over the writ and that the petitioner may appeal any final order denying such writ to the Court of Appeals as an appeal of right.

Patron - Morrissey

F SB840 Persons acquitted by reason of insanity. Makes various changes to the provisions regarding confinement hearings and conditional release procedures for persons who have been acquitted of a violent felony by reason of insanity. Under current law, such provisions do not distinguish between persons acquitted of a violent felony or any other felony offense.

Patron - Ebbin

F SB878 Compensation of court-appointed counsel; waivers. Allows court-appointed counsel for parents in child

welfare cases to submit a waiver application for additional compensation of \$120 in district court and \$158 for cases appealed to the circuit court. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Marsden

F SB1017 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, 2021, and an expiration date of July 1, 2025.

Patron - Stanley

Carried Over

C HB31 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 - Lindsey

C HB32 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 postrelease 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 - Lindsey

C HB50 Expungement of police and court records; pardons. Allows a person to petition for the expungement of the police and court records relating to such person's conviction if he has been granted a simple pardon for the crime.

Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit.

Patron - Cole, M.L.

C HB91 Expungement of police and court records. Allows a person convicted of certain offenses, or charged with such offenses which charges were deferred and dismissed, who was under 21 years of age at the time of the offense, and who has successfully completed all terms of probation to file a petition for expungement after at least seven years have passed since (i) the date of dismissal of the charge; (ii) the date of conviction, if no active sentence of incarceration was imposed; or (iii) the date of completion of an active sentence of incarceration, if an active term of incarceration was imposed as a result of the conviction. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment. Convictions for violent felony offenses and offenses for which registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for expungement under the bill.

Patron - Cole, M.L.

C HB102 Expungement of certain charges and convictions. Allows a person to petition for expungement of convictions and deferred disposition dismissals for simple larceny or concealment of goods or merchandise when (i) the goods or merchandise consisted of food or medically necessary supplies, (ii) the offense occurred prior to the person's twenty-first birthday, and (iii) five years have passed since the date of completion of all terms of sentencing and probation.

Patron - Lindsey

C HB128 Expungement of prostitution convictions. Allows a person to petition for expungement of convictions for prostitution when the person was induced to engage in prostitution through the use of force, intimidation, or deception by another.

Patron - Miyares

C HB159 Protective orders; prohibited contact; remote control of appliance, utility, or device by electronic device. Clarifies that a court entering a protective order may, as a condition of such protective order, prohibit the respondent from using any electronic device to remotely control any appliance, utility, or device located on or within the petitioner's residence or the curtilage thereof.

Patron - Kory

C HB254 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 and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police.

Patron - Simon

C HB255 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 - Simon

C HB267 Expungement of police and court records. Provides that a court that enters a nolle prosequi for a criminal charge or dismisses such charge for any reason may, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge.

Patron - Heretick

C HB268 Petition for vacatur and expungement of convictions and police and court records of victims of human trafficking. Allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a result of having been a victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense.

Patron - Heretick

C HB293 Expungement of police and court records; nolle prosequi taken or acquittal. Provides that a court that takes a nolle prosequi or enters a judgment acquitting a person of a criminal charge shall, upon motion of the person, enter an order requiring the expungement of the police and court records relating to the charge. Currently, such a person may file a separate petition for the expungement of such records; however, except in certain cases involving misdemeanor charges, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered.

Patron - Scott

C HB294 Expungement of police and court records; misdemeanor convictions. Allows a person convicted of a misdemeanor to file a petition requesting expungement of the police and court records relating to the conviction if (i) such person has been free from any term of incarceration, probation, and postrelease supervision imposed as a result of such conviction for at least two years and (ii) such person has no pending criminal proceeding. The bill also requires the court to grant such petition for expungement of police and court records if such petition is for a misdemeanor arrest, charge, or conviction. Currently, except in certain cases, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered.

Patron - Scott

C HB295 Maximum term of probation. Limits to five years the term of probation for a person convicted of an offense other than a violent felony, an act of violence, or an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

Patron - Scott

HB320 **Petition for reclassification or expungement of certain convictions and police and court records.** Allows a person who has been convicted of (i) a felony or misdemeanor offense that has been decriminalized or otherwise made lawful or (ii) a felony offense that has been statutorily reduced to a misdemeanor offense since the conviction of such person to file a petition requesting (a) expungement of the police records and the court records relating to any misdemeanor or felony charge that has been decriminalized or otherwise made lawful or (b) reclassification of the police records and the court records relating to a felony offense that has been statutorily reduced to a misdemeanor offense. The bill requires the court to enter an order reclassifying the offense, in the case of a felony offense that has been statutorily reduced to a misdemeanor offense, or requiring the expungement of the police and court records of an offense that has been decriminalized or otherwise made lawful, if the court finds that the offense for which the person was convicted has since been decriminalized or otherwise made lawful, or has been statutorily reduced from a felony to a misdemeanor offense.

Patron - Levine

HB476 **Expungement of police and court records; misdemeanor and nonviolent felony convictions.** Allows a person convicted of certain misdemeanors or nonviolent felonies to file a petition requesting expungement of the police and court records relating to the conviction if such person (i) has been free from any term of incarceration, probation, or postrelease supervision imposed as a result of such conviction for (a) at least three years for a misdemeanor conviction and (b) at least five years for a felony conviction; (ii) has no outstanding costs, fines, or restitution; and (iii) has no pending criminal proceeding.

Patron - Guzman

HB647 **Petition for reclassification or expungement of certain convictions and police and court records.** Allows a person who has been convicted of (i) a felony or misdemeanor offense that has been decriminalized or otherwise made lawful or (ii) a felony offense that has been statutorily reduced to a misdemeanor offense since the conviction of such person to file a petition requesting (a) expungement of the police records and the court records relating to any misdemeanor or felony charge that has been decriminalized or otherwise made lawful or (b) reclassification of the police records and the court records relating to a felony offense that has been statutorily reduced to a misdemeanor offense. The bill requires the court to enter an order reclassifying the offense, in the case of a felony offense that has been statutorily reduced to a misdemeanor offense, or requiring the expungement of the police and court records of an offense that has been decriminalized or otherwise made lawful, if the court finds that the offense for which the person was convicted has since been decriminalized or otherwise made lawful, or has been statutorily reduced from a felony to a misdemeanor offense.

Patron - Carter

HB652 **Admission to bail; presumption of release on recognizance.** Provides that a judicial officer shall release any person taken into custody by an arresting officer for any misdemeanor violation committed in such arresting officer's presence, except for violations of driving or operating a motor vehicle, watercraft, or motorboat while intoxicated, offenses that give rise to a rebuttable presumption against bail, or as otherwise provided in Title 46.2 (Motor Vehicles).

Patron - Subramanyam

HB830 **Expungement of certain charges and convictions.** Allows a person to petition for expungement of con-

victions and deferred disposition dismissals for possession of a controlled substance, marijuana possession, and underage alcohol possession when (i) the offense occurred as a result of such person being a victim of sexual assault or sexual battery and reporting such sexual assault or sexual battery to law enforcement; (ii) all court costs, fines, and restitution have been paid; and (iii) two years have passed since the date of completion of all terms of sentencing and probation.

Patron - Sullivan

HB865 **Expungement of certain misdemeanor drug offenses.** Allows a person convicted of a misdemeanor offense of possession of a controlled substance or marijuana, or charged with such an offense which charge was deferred and dismissed, who has successfully completed all terms of probation to file a petition for expungement one year after the completion of such terms if he has not been convicted of any offense involving violence. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment. The bill also provides that any outstanding fines or costs from the misdemeanor conviction may be waived or reduced for an indigent petitioner or for good cause shown.

Patron - Levine

HB869 **Supplementing compensation of public defender.** Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such officer, deputy, or employee, to supplement the compensation of the public defender, or any of his deputies or employees, in the same amount as the supplement to the compensation of the attorney for the Commonwealth, or any of his deputies or employees.

Patron - Bourne

HB883 **DCJS; costs and benefits of implementing a deflection to treatment program; report.** Directs the Department of Criminal Justice Services to evaluate the costs and benefits of implementing a deflection to treatment program for individuals with substance use disorder or mental illness generally, and the Five Deflection Pathways in accordance with the Police, Treatment and Community Collaborative specifically, and to report its findings and recommendations to the Governor and the General Assembly by December 1, 2020.

Patron - Subramanyam

HB1033 **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 government documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense.

Patron - Herring

HB1207 **Expungement of police and court records; certain misdemeanor and felony larceny convictions.** Allows a person convicted of a misdemeanor or felony larceny offense where the value of the property stolen was less than \$500 to file a petition for expungement if (i) such person has completed all terms of probation and postrelease supervision imposed as a result of such conviction; (ii) at least five

years have passed from the date of conviction, if no active term of incarceration was imposed as a result of such conviction, or the date of completion of an active sentence of incarceration, if an active term of incarceration was imposed as a result of such conviction; and (iii) such person has no subsequent criminal convictions and no pending criminal proceeding.

Patron - Tran

HB1517 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 (i) has been free from any term of incarceration, probation, and post-release supervision imposed as a result of such conviction for at least ten years; (ii) has no prior or subsequent convictions other than traffic infractions; and (iii) has no pending criminal proceeding.

Patron - McQuinn

HB1640 Obtaining records concerning electronic communication service or remote computing service; location data. Expands certain disclosure and search warrant requirements for the purposes of obtaining records concerning an electronic communication service or remote computing service from real-time location data to location data, defined in the bill as any data or information concerning the location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device. Under current law, such requirements are limited to real-time location data.

Patron - Ayala

HB1692 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 (i) the offense involved no victim; (ii) such person has been free from any term of incarceration, probation, and postrelease supervision imposed as a result of such conviction for at least two years for a misdemeanor offense or at least five years for a felony offense; (iii) such person has no prior or subsequent convictions other than traffic infractions; and (iv) such person has no pending criminal proceeding.

Patron - Freitas

SB326 Sentencing proceeding by the jury after conviction; recommendation of leniency. Provides that a jury may, in ascertaining the punishment for a person convicted of a felony or Class 1 misdemeanor, recommend that the sentence imposed be suspended in whole or in part, or that sentences imposed for multiple offenses be served concurrently, except where such suspension of sentence or concurrent service is prohibited by law. The bill prohibits the trial court from imposing an active term of incarceration in excess of the active term of incarceration recommended by the jury.

Patron - Deeds

SB618 Referrals to specialty dockets. Provides that any court may refer a defendant to a local specialty docket if such specialty docket exists within that jurisdiction. The bill provides that a court that has received a referral shall have jurisdiction over the defendant for any matter that does not dispose of a charge or defense for the duration of the referral and shall enter an order making a recommendation for disposing the matter, including any proposed findings of fact, at the end of the referral or any other time as necessary.

Patron - Deeds

SB681 Compensation of experts in criminal cases. Increases from \$750 to \$1,200 the maximum fee that the court may pay for professional services rendered by each psychiatrist, clinical psychologist, or other expert appointed by the court to render professional service in a criminal case other than capital murder. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Mason

SB721 Orders of restitution; enforcement. Provides that an order of restitution shall be docketed in the name of the Commonwealth on behalf of a victim and that the clerk of such court, prior to satisfaction of the judgment and upon written request of the victim, shall enter a judgment in the victim's favor for the amount of unpaid restitution, remove from its automated financial system the amount of unpaid restitution, and record a release of any judgment for restitution previously entered in favor of the Commonwealth on behalf of the victim.

Patron - McClellan

SB723 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 requires the Department to report to the House Committee for Courts of Justice by January 1, 2021, on the development and application of the uniform reporting mechanisms. The bill has a delayed effective date of July 1, 2021, for provisions related to the creation of uniform reporting mechanisms and data collection by the Department. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - McClellan

SB808 Expungement of police and court records; misdemeanor and felony convictions. Allows a person convicted of a criminal offense to file a petition requesting expungement of the police and court records relating to the conviction if such person (i) has been free from any term of incarceration, probation, and postrelease supervision imposed as a result of such conviction for (a) at least eight years for a misdemeanor offense or (b) at least 12 years for a felony offense; (ii) has no subsequent convictions other than traffic infractions; and (iii) has no pending criminal proceeding.

Patron - Morrissey

SB810 Discretionary sentencing guidelines worksheets; use by juries. Requires that the jury be given the applicable discretionary sentencing guidelines worksheets during a sentencing proceeding and that the court instruct the jury that the sentencing guidelines worksheets are discretionary and not binding on the jury. The bill requires sentencing guidelines worksheets to be kept confidential by the jurors and filed under seal by the court.

Patron - Morrissey

SB811 Sentencing in a criminal case; jury trial. Provides that in a criminal case the court shall ascertain the extent of the punishment, unless the accused has requested that the jury ascertain punishment or was found guilty of capital murder.

Patron - Morrissey

C SB914 **Petition for vacatur and expungement of convictions and police and court records of victims of human trafficking.** Allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a result of having been a victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense.

Patron - Locke

C SB947 **Expungement of police and court records; acquittals.** Provides that a court that enters a judgment acquitting a person of a criminal charge shall also enter an order requiring the expungement of the police and court records relating to the charge. Currently, such a person may file a separate petition for the expungement of such records; however, except in certain cases involving misdemeanor charges, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered.

Patron - Saslaw

Domestic Relations

Passed

P HB436 **Uniform Child Custody Jurisdiction and Enforcement Act; disclosure of identifying information; pleading or affidavit.** Clarifies that a hearing and written finding of the issue of the disclosure of certain identifying information of a child in a child custody proceeding shall be held and made by the court within 15 days of the filing of an affidavit that the health, safety, or liberty of a child would be jeopardized by disclosure of identifying information. Current law allows such filing to be made in the form of an affidavit or a pleading, but only applies the requirement that the court hear and decide the case within 15 days to pleadings.

Patron - Heretick

P HB623 **Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code; 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 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 it 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 sup-

port 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.

Patron - Simon

P HB861 **Best interests of the child; history of child abuse and acts of violence, force, or threat.** Provides that any history of child abuse and acts of violence, force, or threat that occurred no earlier than 10 years prior to the filing of a petition for custody or visitation of a child shall be considered by a court in determining the best interests of a child. This bill is identical to SB 105.

Patron - Levine

P HB1490 **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). This bill is identical to SB 17.

Patron - Guy

P HB1500 **Pendente lite spousal support; guidelines.** Makes current juvenile and domestic relations district court guidelines for the presumptive amount of temporary spousal support applicable in cases filed in circuit court. The bill also adjusts the guidelines to account for changes to the federal tax code that became effective on January 1, 2019.

Patron - Collins

P HB1501 **Modification of spousal support.** Removes requirement that a stipulation or contract that is executed on or after July 1, 2018, contain specific language, as set out in the Code, stating that the amount or duration of spousal support is not modifiable in order for a request for modification of spousal support to be denied solely on the basis of the terms of such stipulation or contract. The bill instead provides that such stipulation or contract need only expressly state that the amount or duration of spousal support is non-modifiable.

Patron - Collins

P SB17 **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). This bill incorporates SB 39 and is identical to HB 1490.

Patron - Ebbin

P SB105 **Best interests of the child; history of child abuse and acts of violence, force, or threat.** Provides that any history of child abuse and acts of violence, force, or threat that occurred no earlier than 10 years prior to the filing of a petition for custody or visitation of a child shall be considered by a court in determining the best interests of a child. This bill is identical to HB 861.

Patron - Favola

P SB247 **No-fault divorce; gender-neutral terminology.** Replaces the terms "husband" and "wife" with gender-neutral terms in the no-fault divorce statute.

Patron - Surovell

P SB428 **Initial child support order; unreimbursed medical expenses for pregnancy and birth.** Provides that for any initial child support proceeding that is commenced within

six months of the birth of a child, the order shall provide that the parents pay in proportion to their gross incomes any reasonable and necessary unpaid expenses of the mother's pregnancy and the delivery of such child.

Patron - Surovell

P SB429 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

P SB430 Access to minor's child-care records by parent. Provides that, absent a court order, a minor's records from a child day center or family day home shall not be withheld from a parent of such minor, regardless of whether the parent has custody of such child.

Patron - Surovell

P SB432 Spousal support; reservation of right to seek; material change of circumstances. Provides that, unless otherwise provided by stipulation or contract, or unless otherwise ordered by the court, a party seeking to exercise his reserved right to spousal support shall be required to prove that a material change of circumstances has occurred as a prerequisite for the court to consider exercise of such reservation.

Patron - Surovell

P SB434 Child support; assignment of tax credits. Provides that the court may assign a party in a child support proceeding the right to claim any credits resulting from the income tax dependency exemption for any child or children of the parties for federal and state income tax purposes.

Patron - Surovell

P SB955 Celebration of marriage; fee. Increases from \$50 to \$75 the maximum fee that may be charged by a person other than a minister who is authorized to celebrate the rites of marriage.

Patron - Spruill

Failed

F HB82 Child and spousal support; net income; imputation of income. Changes the child support guidelines to establish net income, defined in the bill, as the basis for establishing a child support obligation and provides that a periodic award of spousal support shall not be more than the payor's net income. The bill removes consideration of earning capacity of a party in determining spousal support and removes the earning capacity and imputation of income of a party as a means to rebut the child support presumption.

Patron - Cole, M.L.

F HB212 Custody and visitation arrangements; foster care; adoption; use of cannabidiol oil or THC-A oil. Provides that the use of cannabidiol oil or THC-A oil by a parent in a custody or visitation case shall not serve as the sole basis for the denial or restriction of custody or visitation, if such parent has a written certification by a practitioner attesting to the benefit of such use. The bill further provides that such use by a foster parent shall not be the sole reason a child is removed from a foster parent and that such use by a prospective foster parent shall not be the sole reason to deny such prospective foster parent eligibility to become a foster parent. The bill also provides that such use by a petitioner for adoption shall not be the sole reason for the denial of a final order of adoption by a circuit court.

Patron - Hurst

F HB350 Best interests of the child; frequent and continuing contact with each parent. Requires that the court consider, when appropriate, frequent and continuing contact with each parent when determining the best interests of the child for purposes of determining custody or visitation arrangements.

Patron - Davis

F HB485 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

F HB863 Persons other than ministers who may celebrate rites of marriage; filing of the marriage record. Provides that a marriage license application shall allow parties to a marriage to designate an officiant to celebrate the rites of marriage, provided that such officiant is not younger than 18 years of age and is not a party to the marriage. The bill provides that a license issued with such designation shall serve as authorization for such officiant to celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or further order of authorization. The bill removes the bond requirement for a person chosen by a religious society having no ordained minister to complete the certification of marriage. The bill further removes confinement in jail from the penalty for celebrating a marriage without a license. The bill also removes confinement in jail from the penalty for a clerk knowingly issuing a marriage license contrary to law. The bill further allows either the officiant or a party to the marriage to file the marriage record with the State Registrar within five days after the ceremony. Under current law, the officiant is required to file such a record, but a party to the marriage is not allowed to do so.

Patron - Levine

F HB1473 Surrogacy contracts; provisions requiring abortion or selective reduction unenforceable. Provides that any provision of a surrogacy contract requiring an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable.

Patron - Adams, L.R.

F HB1530 No-fault divorce; corroboration requirement. Removes the corroborating witness requirement for no-fault divorces.

Patron - Hope

F SB39 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). This bill was incorporated into SB 17.

Patron - Edwards

F SB61 Custody and visitation arrangements; foster care; adoption; use of cannabidiol oil or THC-A oil. Provides that the use of cannabidiol oil or THC-A oil by a parent in a custody or visitation case shall not serve as the sole basis for the denial or restriction of custody or visitation, if such parent has a written certification by a practitioner attesting to the benefit of such use. The bill further provides that such use by a foster parent shall not be the sole reason a child is removed from a foster parent and that such use by a prospective foster

parent shall not be the sole reason to deny such prospective foster parent eligibility to become a foster parent. The bill also provides that such use by a petitioner for adoption shall not be the sole reason for the denial of a final order of adoption by a circuit court.

Patron - Marsden

[F] SB431 Provision of mental health services to a minor; access to health records. Prohibits a health care provider from refusing to provide mental health services to a minor on the basis that the parents of such minor refuse to agree to limit their access to such minor's health care records or request that such health care provider testify in a court proceeding regarding the treatment of the minor.

Patron - Surovell

[F] SB571 Visitation; petition of grandparent. Requires the court, in petitions for visitation filed by the grandparent of a child where either (i) the parent is the grandparent's child and is deceased, incarcerated, or incapacitated, or has had his parental rights terminated or (ii) the grandparent has an established relationship with the child and has provided a significant level of care for the child, to consider the following factors: (a) the historical relationship between the grandparent and child; (b) the motivation of the grandparent in seeking visitation; (c) the motivation of the living parent in denying visitation to the grandparent; (d) the quantity of time requested and the effect it will have on the child's daily activities; and (e) the benefits of maintaining a relationship with the extended family of the deceased parent.

Patron - Dunnivant

[F] SB872 Appointment of a guardian ad litem; court-ordered custody and visitation arrangements; best interests of a child; appointment in circuit or district court. Provides that the court may appoint a guardian ad litem to represent the best interests of a child in any case in which the custody or visitation of a child is at issue, regardless of whether the case is in a circuit or district court.

Patron - Marsden

[F] SB920 Surrogacy contracts; provisions requiring or prohibiting abortion or selective reduction unenforceable. Provides that any provision of a surrogacy contract requiring or prohibiting an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable.

Patron - Peake

Carried Over

[C] HB291 Uniform Collaborative Law Act. Creates the Uniform Collaborative Law Act, which provides a framework for the practice of collaborative law, a process entered into voluntarily by clients for the express purpose of reaching a settlement in a family or domestic relations law matter, including (i) marriage, divorce, dissolution, annulment, and property distribution; (ii) child custody, visitation, and parenting time; (iii) alimony, spousal support, maintenance, and child support; (iv) adoption; (v) parentage; and (vi) negotiation or enforcement of premarital, marital, and separation agreements. The Act governs disclosure of information, privilege against disclosure of communications, and scope of representation by the attorneys in the proceeding.

Patron - Sullivan

Education

Passed

[P] HB36 Public institutions of higher education; student journalists; freedom of speech and the press. Declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in institution-sponsored media, including determining the news and opinion content of institution-sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines "institution-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a 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

[P] HB74 School boards; mental health awareness training. Requires each school board to (i) 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 awareness training or similar program at least once and (ii) provide such training, which may be provided pursuant to a 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 or via an online module. This bill incorporates HB 716 and HB 1554 and is identical to SB 619.

Patron - Kory

[P] HB134 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 of Education, to ensure that IEP teams consider such guidelines. This bill is identical to SB 186.

Patron - Runion

[P] HB145 Public elementary and secondary schools; treatment of transgender students; policies. Requires the Department of Education to develop and make available to each school board, no later than December 31, 2020, model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to (i) compliance with applicable nondiscrimination laws; (ii) maintenance of a safe and supportive learning environment free from discrimination and harassment for all students; (iii) prevention of and response to bullying and harassment; (iv) maintenance of student records; (v) identification of students; (vi) protection of student privacy and the confidentiality of sensitive information; (vii) enforcement of sex-based dress codes; and (viii) student participation

in sex-specific school activities and events, excluding athletics, and use of school facilities. The bill requires each school board to adopt, no later than the beginning of the 2021-2022 school year, policies that are consistent with but may be more comprehensive than such model policies developed by the Department of Education. This bill is identical to SB 161.

Patron - Simon

P HB257 School principals; incident reports. Eliminates the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense. This bill incorporates HB 695 and is identical to SB 729.

Patron - Mullin

P HB270 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. The bill specifies that no such notice is required to include the exact date and time of the lock-down drill.

Patron - VanValkenburg

P HB271 Public schools; school resource officers; data. Requires the Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, to annually collect, report, and publish data related to incidents involving students and school resource officers. The bill also requires the Virginia Center for School and Campus Safety to analyze and disseminate submitted data. This bill is identical to SB 170.

Patron - VanValkenburg

P HB292 School boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input. Shortens from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bill also requires local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period. This bill incorporates HB 897 and HB 1135 and is identical to SB 221.

Patron - VanValkenburg

P HB308 Public elementary and secondary school students; excused absences; mental and behavioral health. Requires the Department of Education to establish and distribute to each school board no later than December 31, 2020, guidelines for the granting of excused absences to students who are absent from school due to mental or behavioral health and requires any student who is absent from school due to his mental or behavioral health to be granted an excused absence, subject to such guidelines.

Patron - Hope

P HB351 School bus drivers; critical shortages. Requires the Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages of school bus drivers by geographic area and local school division and to report any such critical shortage to each local school division and to the Virginia Retirement System. The bill permits any school bus driver hired by a local school board in any geographic area or school division in which a critical shortage of school bus drivers has been so identified to elect to continue to receive a service retirement allowance during such

employment if the driver meets certain other conditions. This bill is identical to SB 324.

Patron - Bell

P HB365 Public elementary and secondary school teachers; probationary term of service; performance evaluation. Removes (i) the option for local school boards to extend the three-year probationary term of service for teachers by up to two additional years and (ii) the prohibition against school boards reemploying any teacher whose performance evaluation during the probationary term of service is unsatisfactory. This bill incorporates HB 1169 and HB 1326 and is identical to SB 98.

Patron - Carroll Foy

P HB368 Public schools; enrollment; certain children placed in foster care. Specifies that several provisions of law relating to the public school enrollment of children placed in foster care apply to any pupil who was in foster care when he reached age 18 but who has not yet reached age 22. This bill is identical to SB 275.

Patron - Carroll Foy

P HB376 Teachers, other instructional personnel, and support staff; shortages; data; reporting. Requires (i) each school board to report to the Department of Education annually the number and type of teacher, other instructional personnel, and support staff vacancies in the school division and (ii) each approved education preparation program to report to the Department of Education annually the number of individuals who completed the program by endorsement area. The bill requires the Department of Education to (a) establish deadlines for and the format of the reporting of such data and (b) aggregate and report such data annually on the Department's website.

Patron - Willett

P HB392 School boards; applicants for employment; criminal history. Prohibits each school board from employing any individual who has been convicted of a violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. The bill permits each school board to employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor. The bill contains parallel provisions for contractors and their employees who have direct contact with students on school property during regular school hours or during school-sponsored activities. Current law provides that any felony conviction is a bar to employment and contract work in public schools.

Patron - Ward

P HB402 Public schools; lock-down drills; frequency; exemptions. Requires every public school to hold at least one lock-down drill after the first 60 days of the school session, in addition to the two lock-down drills required to be held during the first 20 days of the school session at each such school. Current law requires each public school to hold at least two lock-down drills after the first 20 days of the school session. The bill requires pre-kindergarten and kindergarten students to be exempt from mandatory participation in lock-down drills during the first 60 days of the school session and requires

local school boards to develop policies to implement such exemption.

Patron - Keam

P HB405 Menstrual supplies; availability; public elementary, middle, and high schools. Requires each school board to make tampons or pads available, at all times and at no cost to students, (i) in such accessible locations as it deems appropriate in each elementary school in the local school division and (ii) in the bathrooms of each middle school and high school in the local school division. This bill is identical to SB 232.

Patron - Keam

P HB410 Parental notice; literacy and Response to Intervention screening and services; certain assessment results. Requires each local school board to enact a policy to require that timely written notification is provided to the parents of any student who (i) undergoes literacy and Response to Intervention screening and services or (ii) does not meet the benchmark on any assessment used to determine at-risk learners in preschool through grade 12, which notification shall include all such assessment scores and subscores and any intervention plan that results from such assessment scores or subscores.

Patron - Delaney

P HB415 Discipline; suspension; access to graded work. Requires school boards to adopt policies and procedures to ensure suspended students are able to access and complete graded work during and after the suspension.

Patron - Delaney

P HB501 School boards; written school crisis, emergency management, and medical emergency response plans; annual review; delegation of duty. Permits each school board to designate another entity or individual to participate on its behalf in the annual review of its written school crisis, emergency management, and medical emergency response plan.

Patron - Krizek

P HB516 Public schools; diploma requirements; dual enrollment and work-based learning options. Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. This bill incorporates HB 112 and is identical to SB 112.

Patron - Bulova

P HB570 Dismissal of teachers; grounds; incompetency. Removes the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public school teachers. This bill is identical to SB 167.

Patron - Guzman

P HB697 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 or discard a meal after it has been served to him.

Patron - Roem

P HB698 School boards; distribution of excess food. Allows public school boards to distribute excess food to students eligible for the School Breakfast Program or National School Lunch Program administered by the U.S. Department of Agriculture or to students who the school board determines are otherwise eligible to receive excess food. A school board is

also allowed to develop a policy for distributing excess food, saving it for later, or donating it.

Patron - Roem

P HB703 School meal debt; donations. Permits any school board to solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and requires each school board to use any such funds solely for such purpose.

Patron - Roem

P HB753 Department of Education; social-emotional learning and development. Requires the Department of Education to (i) establish a uniform definition of social-emotional learning and develop guidance standards for social-emotional learning for all public students in grades kindergarten through 12 in the Commonwealth; (ii) make such standards available to each local school division no later than July 1, 2021; and (iii) issue a report no later than November 1, 2021, on the resources needed to successfully support local school divisions with the implementation of a statewide social-emotional learning program.

Patron - Rasoul

P HB797 Local school boards; lead testing; report; parental notification. Requires each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The bill requires each local school board to submit such testing plan and report the results of any such test to the Department of Health. The bill also requires local school boards to take all necessary steps to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion. The bill is identical to SB 392.

Patron - Askew

P HB817 Department of Education; Department of Health; guidelines for use of digital devices in public schools. Requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year.

Patron - Hope

P HB836 Department of Education; microcredentials; plan. Requires the Department of Education to develop a plan to adopt and implement standards for microcredentials used toward add-on endorsements and renewal of licenses earned by Virginia license holders in science, technology, engineering, and mathematics (STEM) fields. The bill requires such plan to include (i) a process for reviewing and administering educator microcredentials; (ii) assurances that educator microcredentials rely upon demonstrable evidence from the submission of artifacts, such as student projects and teacher lesson plans, that are then objectively scored against existing rubrics; and (iii) assurances that educator microcredentials focus on interrelated competencies leading to logical teacher professional development pathways and stacks of educator microcredentials and align with the Board of Education's ongoing work on educator professional development. Such plan shall also include the resources needed for statewide implementation. The bill requires the Department of Education to complete and submit the plan to the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than December 1, 2020.

Patron - Carroll Foy

P HB837 Board of Education; school boards; dress or grooming codes. Requires the Board of Education to include in its guidelines and model policies for codes of student conduct (i) standards for reducing bias and harassment in the enforcement of any code of student conduct and (ii) standards for dress or grooming codes, 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. The bill permits any school board to include in its code of student conduct a dress or grooming code. The bill requires any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board to (a) permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (b) maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; (c) not have a disparate impact on students of a particular gender; (d) be clear, specific, and objective in defining terms, if used; (e) 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 (f) 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.

Patron - Carroll Foy

P HB916 Department of Education; Culturally Relevant and Inclusive Education Practices Advisory Committee; report. Requires the Department of Education to establish and appoint such members as it deems appropriate to a Culturally Relevant and Inclusive Education Practices Advisory Committee for the purpose of providing (i) standards recommendations to the Department of Education that shall be considered by the Board of Education during the 2021-2022 review of the history and social science Standards of Learning and (ii) recommendations on meaningful professional development with school personnel related to culturally relevant and inclusive education practices. The bill requires the Committee to report its recommendations to the Board of Education, the Governor, and the Chairs of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021. This bill incorporates HB 483 and HB 1110 and is identical to SB 853.

Patron - Sickles

P HB928 Chesterfield County School Board; recovery high school. Permits the Chesterfield County School Board to establish a recovery high school in the school division as a year-round high school (i) for which enrollment is open to any high school student who resides in Superintendent's Region 1 and is in the early stages of recovery from substance use disorder or dependency and (ii) for the purpose of providing such students with the academic, emotional, and social support necessary to make progress toward earning a high school diploma and reintegrating into a traditional high school setting.

Patron - Coyner

P HB973 Elementary and secondary schools and institutions of higher education in the Commonwealth; racial segregation; repeal of provisions. Repeals several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth. This bill is identical to SB 600.

Patron - VanValkenburg

P HB975 Instructional positions; students identified as having limited English proficiency. Requires, effective

with the 2020-2021 school year, state funding to be provided pursuant to the general appropriation act to support 18.5 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency and, effective with the 2021-2022 school year, 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students. This bill incorporates HB 1323 and is identical to SB 910.

Patron - Guzman

P HB999 School board policies; epinephrine; accessibility. Requires each school board's policies on the possession and administration of epinephrine in every school in the local school division to require that at least one school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular school hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area.

Patron - Bell

P HB1012 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 Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. 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 also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023. This bill is identical to SB 578.

Patron - Bulova

P HB1073 Parental educational information; tobacco and nicotine vapor products. Requires each school board to annually provide parents of pupils in grades kindergarten through 12 information regarding the health dangers of tobacco and nicotine vapor products. The bill requires that the information provided be consistent with guidelines set forth by the Department of Education.

Patron - Kory

P HB1081 School attendance officers; petitions for violation of a school attendance order. Provides that an attendance officer, or a division superintendent or his designee when acting as an attendance officer, to complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court in response to the filing of a petition alleging the pupil is a child in need of supervision. The bill provides that such actions do

not constitute the unauthorized practice of law. This bill is identical to SB 237.

Patron - Guzman

HB1139 Board of Education; Regulations Governing Educational Services for Gifted Students; comprehensive review. Requires the Board of Education, as part of its current comprehensive review of its Regulations Governing Educational Services for Gifted Students, to consider revisions to (i) the process of screening and identifying students for eligibility for gifted and talented programs and referring students to such programs to improve the identification of student populations that are underrepresented in such programs, including economically disadvantaged students, English language learner students, and students with disabilities and (ii) the data collection requirements of the annual report required by such regulations to better inform equitable screening and identification for and access to gifted and talented programs for student populations that are underrepresented in such programs.

Patron - Keam

HB1143 Local school boards; support services positions; licensed behavior analysts and licensed assistant 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).

Patron - Tran

HB1208 School boards; duties; student transportation in certain cases. Requires each school board that provides for the transportation of students and that has established a rule, regulation, or policy to exclude certain students who reside within a certain distance from the school at which they are enrolled from accessing such transportation to establish a process for waiving, on a case-by-case and space-available basis, such exclusion and providing transportation to any such student whose parent is unable to provide adequate transportation for his child to attend school because the parent is providing necessary medical care to another family member who resides in the same household, as evidenced by a written explanation submitted by a licensed health care provider who provides care to such family member.

Patron - Tran

HB1276 School boards; career and technical education; academic and career plans; contents. Requires each school board to include, as part of each student's academic and career plan in the career and technical education curricula, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The bill requires the Department of Education to annually compile such lists and provide them to each local school board.

Patron - O'Quinn

HB1336 Family life education; Standards of Learning and curriculum guidelines; contemporary community standards; review. Requires each school board to conduct a review of its family life education curricula at least once every seven years, to evaluate whether such curricula reflect community standards, and to revise such curricula if necessary.

Patron - Keam

HB1344 Board of Education; teacher licensure; written reprimand; suspension. Provides that when adopting regulations regarding the issuance of written reprimands of

teachers and other school personnel required to hold a license, the Board of Education shall establish in such regulations the grounds for such written reprimands and provides that for a teacher who breaches his contract the local board of education or division superintendent, in addition to a written reprimand or revocation of the teacher's license as in current law, may issue a suspension of the teacher's license.

Patron - Askew

HB1355 Community Services Efficiency Act; Department of Education; community schools. Requires the Department of Education to establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of the unique needs of the student population to be served. The bill requires such program to include a process by which school boards and community partnerships may apply to the Department of Education to designate an elementary or secondary school in the local school division as a community school.

Patron - Rasoul

HB1388 Public school accreditation; triennial review. Eliminates the ability of a school that only maintains a passing rate on Virginia assessment program tests or additional tests approved by the Board of Education of 95 percent or above in each of the four core academic areas for two consecutive years to apply for and receive a waiver of accreditation from the Department of Education, which waiver confers full accreditation for a three-year period. Current law provides high-performing schools a separate pathway to obtain three-year accreditation.

Patron - Adams, D.M.

HB1394 Family life education programs; materials; summaries. Requires each local school board that offers a family life education program to post for public viewing on the local school division's official website a summary of such program. The bill also requires local school boards to share through any available parental portal a complete copy of all printed family life education program materials not subject to copyright protection and a description of all family life education program audio-visual materials. The bill requires each local school board to implement the foregoing provisions no later than the start of the 2021-2022 school year.

Patron - Leftwich

HB1426 School boards; school meals; availability to students. Requires each school board to require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make meals available pursuant to such programs to any student who requests such a meal, regardless of whether such student has the money to pay for the meal or owes money for meals previously provided, unless the student's parent has provided written permission to the school board to withhold such a meal from the student. The bill has a delayed effective date of July 1, 2021.

Patron - Roem

HB1443 Department of Education; biennial teacher compensation review. Requires the Department of Education to conduct a biennial review of teacher compensa-

tion that takes into consideration the Commonwealth's compensation for teachers relative to the national average teacher salary. Current law requires the Director of Human Resource Management to complete such biennial review and to compare compensation for teachers relative to member states in the Southern Regional Education Board.

Patron - VanValkenburg

P HB1469 Teachers employed in certain private schools; provisional licenses; extension. Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. This bill incorporates HB 725.

Patron - Gooditis

P HB1491 Student voters; Virginia voter registration. Requires each public high school 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, or access to the Virginia online voter registration system on a school-owned computing device, and the opportunity to complete such application during the normal course of the school day.

Patron - Guy

P HB1508 Minimum staffing ratio for school counselors. Requires local school boards to employ school counselors in accordance with the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per day per 75 students, one full-time equivalent 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 equivalent 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 equivalent at 300 students, one additional period per 60 students or major fraction thereof. The bill also requires local school boards to employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective with the 2021-2022 school year. This bill incorporates HB 398.

Patron - McQuinn

P HB1568 State Board of Education; technical professional licenses; military science endorsement. Directs the State Board of Education to amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency. This bill is identical to SB 978.

Patron - Rush

P HB1613 Public school teachers; technical professional licenses; eligibility criteria. Requires the Board of Education, pursuant to regulation, to permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license.

Patron - Brewer

P HB1630 Public schools; provisional teacher licensure; certain individuals. Permits any school board and division superintendent to extend from three months to six

months the period within which the provisional license of an individual seeking initial teacher licensure who has not completed professional assessments will expire for the purpose of establishing such individual's eligibility for initial licensure, provided that such individual has received a satisfactory mid-year performance review in the current school year and meets all other eligibility criteria.

Patron - Kilgore

P HB1653 Department of Education; data collection; school counselor positions. Requires the Department of Education to collect data from school boards regarding their ability to fill school counselor positions, including (i) the number of school counselors employed in elementary, middle, and high schools in the local school division; (ii) the number and duration of school counselor vacancies; (iii) the number, role, and license type of other licensed counseling professionals employed by the school board; and (iv) information about their preferences for meeting updated school counselor to student ratios with other licensed counseling professionals. The bill requires the Department to report the results of such data collection to the Governor, the Secretary of Education, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than June 30, 2021.

Patron - Wilt

P HB1680 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, 2020, 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 or, in the case of agricultural education, supervised agricultural experiences, in addition to job shadowing, mentorships, internships, and externships.

Patron - Tyler

P HB1722 Department of Education; guidance and resources; applied behavior analysis services. Requires the Department of Education to develop and publish no later than November 16, 2020, guidance and resources relating to the provision of applied behavior analysis services in public schools for students who are in need of such services.

Patron - Roem

P SB41 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children; membership. Adds two nonlegislative citizen members to the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children, one of whom is a parent of a military child, to be appointed by the Governor, and one of whom is a military spouse serving on the Department of Education's Military Student Support Process Action Team, to be appointed by the Superintendent of Public Instruction. This bill incorporates SB 47.

Patron - DeSteph

P SB44 Public elementary and secondary school students; topical sunscreen. Permits any public elementary or secondary school student to possess and use topical sunscreen in its original packaging on a school bus, on school property, or at a school-sponsored event without a note or prescription from a licensed health care professional if the topical sunscreen is approved by the U.S. Food and Drug Administration for non-prescription use for the purpose of limiting damage to skin caused by exposure to ultraviolet light.

Patron - Spruill

P SB98 Public elementary and secondary school teachers; probationary term of service; performance evaluation. Removes (i) the option for local school boards to extend the three-year probationary term of service for teachers by up to two additional years and (ii) the prohibition against school boards reemploying any teacher whose performance evaluation during the probationary term of service is unsatisfactory. This bill is identical to HB 365.

Patron - Locke

P SB112 Public schools; diploma requirements; dual enrollment and work-based learning options. Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. This bill is identical to HB 516.

Patron - Suetterlein

P SB161 Public elementary and secondary schools; treatment of transgender students; policies. Requires the Department of Education to develop and make available to each school board, no later than December 31, 2020, model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to (i) compliance with applicable nondiscrimination laws; (ii) maintenance of a safe and supportive learning environment free from discrimination and harassment for all students; (iii) prevention of and response to bullying and harassment; (iv) maintenance of student records; (v) identification of students; (vi) protection of student privacy and the confidentiality of sensitive information; (vii) enforcement of sex-based dress codes; and (viii) student participation in sex-specific school activities and events, excluding athletics, and use of school facilities. The bill requires each school board to adopt, no later than the beginning of the 2021-2022 school year, policies that are consistent with but may be more comprehensive than such model policies developed by the Department of Education. This bill is identical to HB 145.

Patron - Boysko

P SB167 Dismissal of teachers; incompetency. Removes the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public school teachers. This bill is identical to HB 570.

Patron - Favola

P SB170 Public schools; school resource officers; data. Requires the Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, to annually collect, report, and publish data related to incidents involving students and school resource officers. The bill also requires the Virginia Center for School and Campus Safety to analyze and disseminate submitted data. This bill is identical to HB 271.

Patron - Locke

P SB171 School resource officers and school security officers; training standards. Requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as physical alternatives to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with stu-

dents with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. This bill is identical to HB 1419.

Patron - Locke

P SB186 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 of Education, to ensure that IEP teams consider such guidelines. This bill is identical to HB 134.

Patron - Dunnavant

P SB221 School boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input. Shortens from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bill also requires local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period. This bill is identical to HB 292.

Patron - Locke

P SB232 Menstrual supplies; availability; public elementary, middle, and high schools. Requires each school board to make tampons or pads available, at all times and at no cost to students, (i) in such accessible locations as it deems appropriate in each elementary school in the local school division and (ii) in the bathrooms of each middle school and high school in the local school division. This bill is identical to HB 405.

Patron - Boysko

P SB237 School attendance officers; petitions for violation of a school attendance order. Provides that an attendance officer, or a division superintendent or his designee when acting as an attendance officer, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court in response to the filing of a petition alleging the pupil is a child in need of supervision. The bill provides that such actions do not constitute the unauthorized practice of law. This bill is identical to HB 1081.

Patron - Barker

P SB238 Public schools; kindergarten instructional time. Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten, beginning July 1, 2022. The bill directs the Board of Education to adopt regulations by July 1, 2022, 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.

Patron - Barker

P SB275 Public schools; enrollment; certain children placed in foster care. Specifies that several provisions of law relating to the public school enrollment of children placed in foster care apply to any pupil who was in foster care when he reached age 18 but who has not yet reached age 22. This bill is identical to HB 368.

Patron - Barker

P SB323 Board of Education; high school graduation requirements; certain substitutions. Requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

Patron - Barker

P SB324 School bus drivers; critical shortages. Requires the Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages of school bus drivers by geographic area and local school division and to report any such critical shortage to each local school division and to the Virginia Retirement System. The bill permits any school bus driver hired by a local school board in any geographic area or school division in which a critical shortage of school bus drivers has been so identified to elect to continue to receive a service retirement allowance during such employment if the driver meets certain other conditions. This bill is identical to HB 351.

Patron - Deeds

P SB377 Teacher grievance procedures; hearing; three-member fact-finding panel. Permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer selected by the other two panel members to serve as the chairman of the panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill also removes the requirement that a teacher grievance hearing be set within 15 days of the request for such hearing and extends from five days to 10 days the minimum period of advanced written notice to the teacher of the time and place of such hearing.

Patron - Bell

P SB392 Local school boards; lead testing; report; parental notification. Requires each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The bill requires each local school board to submit such testing plan and report the results of any such test to the Department of Health. The bill also requires local school boards to take all steps necessary to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion. The bill is identical to HB 797.

Patron - McPike

P SB410 Public school buildings; water management program; prevention of Legionnaires' disease. Requires each school board to maintain a water management program for the prevention of Legionnaires' disease at each

public school building in the local school division. The bill requires the Department of Education to make recommendations for the establishment, maintenance, and validation of water management programs in public school buildings and to notify each local school board of its recommendations no later than July 1, 2021, the date on which the provisions of the bill requiring school boards to maintain such water management program become effective.

Patron - Hashmi

P SB463 Sudden cardiac arrest prevention in student-athletes. Directs the Board of Education to develop, biennially update, and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and student-athletes' parents or guardians about the nature and risk of sudden cardiac arrest, procedures for removal from and return to play, and the risks of not reporting symptoms. The bill also requires local school divisions to develop and biennially update policies and procedures regarding the identification and handling of symptoms that may lead to sudden cardiac arrest in student-athletes.

Patron - Reeves

P SB515 Opening of the school year; Northern Neck Technical Center. Permits the school board of any school division from which students attend Northern Neck Technical Center to set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, including earlier than 14 days before Labor Day.

Patron - McDougle

P SB578 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 Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. 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 also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023. This bill is identical to HB 1012.

Patron - Howell

P SB594 Public School Security Equipment Grant Act of 2013; eligible security equipment. Classifies security-related devices located outside of the school building on school property and security-related devices located on school buses as eligible security equipment under the Public School Security Equipment Grant Act of 2013.

Patron - Hanger

P SB595 Public School Security Equipment Grant Act of 2013; eligible security equipment; vaping detectors. Classifies vaping detectors as eligible security equipment

under the Public School Security Equipment Grant Act of 2013.

Patron - Hanger

P SB600 Elementary and secondary schools and institutions of higher education in the Commonwealth; racial segregation; repeal of provisions. Repeals several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth. This bill is identical to HB 973.

Patron - Lucas

P SB619 School boards; mental health awareness training. Requires each school board to (i) 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 awareness training or similar program at least once and (ii) provide such training, which may be provided pursuant to a 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 or via an online module. This bill is identical to HB 74.

Patron - Deeds

P SB680 Teachers in certain schools for students with disabilities; provisional licenses; extension. Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. The provisions of the bill mirror current law relating to the extension of provisional licenses for public school teachers.

Patron - Mason

P SB729 School principals; incident reports. Eliminates the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense. This bill is identical to HB 257.

Patron - McClellan

P SB832 Private schools; sexual misconduct; employment assistance prohibited. Requires the governing boards or administrators of private elementary and secondary schools accredited on behalf of the Board of Education by the Virginia Council for Private Education to adopt and implement policies prohibiting any individual who is a governing board member, administrator, employee, contractor, or agent of such school to assist a governing board member, administrator, employee, contractor, or agent of such school in obtaining a new job if such individual knows or has probable cause to believe that the individual seeking new employment engaged in sexual misconduct regarding a minor or student in violation of law.

Patron - Ebbin

P SB845 Local school boards; mold testing; parental notification. Requires each local school board to develop and implement a plan to test and, if necessary, a plan to remediate mold in public school buildings in accordance with guidance issued by the U.S. Environmental Protection Agency. The bill requires each local school board to (i) submit such testing plan and report the results of any test performed in accordance with such plan to the Department of Health and (ii) take all steps necessary to notify school staff and the parents of all

enrolled students if testing results indicate the presence of mold in a public school building at or above the minimum level that raises a concern for the health of building occupants, as determined by the Department of Health. The bill has an effective date of July 1, 2021.

Patron - Ebbin

P SB853 Department of Education; Culturally Relevant and Inclusive Education Practices Advisory Committee; report. Requires the Department of Education to establish and appoint such members as it deems appropriate to a Culturally Relevant and Inclusive Education Practices Advisory Committee for the purpose of providing (i) standards recommendations to the Department of Education that shall be considered by the Board of Education during the 2021-2022 review of the history and social science Standards of Learning and (ii) recommendations on meaningful professional development with school personnel related to culturally relevant and inclusive education practices. The bill requires the Committee to report its recommendations to the Board of Education, the Governor, and the Chairs of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021. This bill is identical to HB 916.

Patron - Boysko

P SB880 Minimum staffing ratio for school counselors. Requires local school boards to employ school counselors in accordance with the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per day per 75 students, one full-time equivalent 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 equivalent 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 equivalent at 300 students, one additional period per 60 students or major fraction thereof. The bill also requires local school boards to employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective with the 2021-2022 school year. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Locke

P SB910 Instructional positions; students identified as having limited English proficiency. Requires, effective with the 2020-2021 school year, state funding to be provided pursuant to the general appropriation act to support 18.5 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency and, effective with the 2021-2022 school year, 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students. This bill is identical to HB 975.

Patron - Hashmi

P SB933 Department of Education; common statewide definition; "students with limited or interrupted formal education." Requires the Department of Education to develop and adopt a common statewide definition for the term "students with limited or interrupted formal education" and to require local school divisions to report on the number of students who fall under such definition as part of the required data collection and reporting on average daily membership for the purposes of documenting any changes in such numbers over time. The bill requires that the Board of Education evaluate the supports and programs available to "students with limited or interrupted formal education" in local school divisions to determine whether the calculations for the school quality indicators within the Board's Regulations Establishing the Standards for

Accrediting Public Schools in Virginia are appropriate or whether changes in methodology could be made to more comprehensively measure the academic and nonacademic achievement of such student population.

Patron - Favola

P SB1020 Public schools; alternative school discipline process. Allows a school board to adopt an alternative school discipline 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 school discipline process.

Patron - Stanley

P SB1040 School board member compensation; City of Winchester. Authorizes the City of Winchester to compensate its school board members with an annual salary not to exceed \$4,500.

Patron - Vogel

Failed

F HB12 Department of Education; discrimination against students; investigation and resolution of complaints. Requires the Department of Education to establish a procedure for the receipt, investigation, and resolution of student complaints alleging discrimination on any basis that is prohibited by state or federal law, including discrimination on the basis of sex as prohibited by Title IX (20 U.S.C. § 1681 et seq.).

Patron - Samirah

F HB15 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, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

Patron - Krizek

F HB86 Required local effort for basic aid; debt service on projects in certain school divisions. Permits any local school board that governs a school division (i) in which the locality is designated as fiscally at-risk or fiscally distressed by the Appalachian Regional Commission in the most recent fiscal year or is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities" and (ii) for which the composite index of local ability to pay is less than or equal to 0.2000 to expend up to 25 percent of the required local effort for basic aid for debt service on school building capital renovation or construction projects. The bill provides that in the event that the school division no longer meets such criteria, the local school board shall develop and implement a plan to readjust expenditures of the required local effort for basic aid over the course of no more than four fiscal years. The bill also provides that in the event

that a school division that no longer met such criteria subsequently meets the criteria again after developing a plan, the local school board may seek the approval of the Superintendent of Public Instruction to amend such plan. The bill has an expiration date of July 1, 2032.

Patron - Kilgore

F HB112 Public schools; standard diploma requirements; dual-enrollment and work-based learning options. Requires the Board of Education to include in its standard diploma graduation requirements the options for students to complete a dual-enrollment course or high-quality work-based learning experience. This bill was incorporated into HB 516.

Patron - McNamara

F HB156 Critical National Security Language Grant Fund and Program established. Establishes the Critical National Security Language Grant Fund and the Critical National Security Language Grant Program within the Department of Education for the purpose of awarding grants on a competitive basis to any school division that provides a foreign language course in a foreign language that is currently identified as critical by the National Security Language Initiative for Youth scholarship program. Such grants are limited to \$5,000 per student who successfully completes a critical foreign language course per school year.

Patron - Sickles

F HB197 Department of Education; financial literacy objectives; mathematics Standards of Learning; report. Requires the Department of Education to determine and report to the General Assembly no later than December 1, 2020, the feasibility of incorporating the Board of Education's student financial literacy objectives into the appropriate pre-high school mathematics Standards of Learning.

Patron - Orrock

F HB223 Department of Education; recommendations for improving civic education. Requires the Department of Education to develop and report to the Board of Education, the Governor, and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021, recommendations for improving civic education for each public elementary and secondary school student in the Commonwealth, including strategies for (i) expanding their level of civic knowledge, (ii) increasing their respect for the political history of the Commonwealth and the United States, (iii) mitigating the politically polarizing effects that the mainstream media can have on such students, and (iv) helping such students become civically and politically engaged in a rational and civil manner.

Patron - McNamara

F HB226 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 pro-

vides 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, 2025.

Patron - Freitas

[F] HB231 Children with disabilities; alternative placements; state funds. Requires the parent of any child with a disability who is placed in a public school pursuant to his individualized education program who subsequently places his child in a nonpublic school setting to receive from the school board, upon request, the applicable Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division, 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 child is eligible, to pay for tuition and fees associated with such nonpublic school setting, subject to such rules, regulations, or procedures as the Department of Education may establish. The bill requires each such parent to submit annually to the division superintendent an evaluation or assessment that indicates that the child is achieving an adequate level of educational growth and progress.

Patron - Freitas

[F] HB233 Teacher compensation; at or above national average. Requires public school teachers to be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The foregoing provisions of the bill have a delayed effective date of July 1, 2025. The bill requires funding to be provided on an incremental basis pursuant to the general appropriation act to implement such teacher compensation rate by the effective date.

Patron - Mugler

[F] HB272 Department of Education and Department of Environmental Quality; 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 - VanValkenburg

[F] HB273 School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher has an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day or the equivalent, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. 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

[F] HB398 School counselors and social workers; student to position ratio; certain schools. Requires school boards to employ one school counselor and one social worker for every 250 students in each elementary school, middle school, and high school in which at least 50 percent of the stu-

dents are eligible for federal free lunch. This bill was incorporated into HB 1508.

Patron - Keam

[F] HB399 Public education; state accountability and reporting; student subgroup size. Requires, for the purposes of ensuring state accountability pursuant to relevant federal law and publicly reporting the assessment scores of student subgroups, the minimum student subgroup size to be 10.

Patron - Keam

[F] HB419 Virginia Diverse Educator Scholarship Fund and Program established. Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (Hampton University, Norfolk State University, Virginia State University, and Virginia Union University) such sums as are necessary for each such institution to annually provide scholarships on a competitive basis to no more than two students who (i) identify as African American, Asian, Hispanic or Latino, Native American or Native Alaskan, or Native Hawaiian or Pacific Islander; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) \$5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) \$10,000 toward mentorship of the recipient by an experienced teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by an experienced teacher, as described in clause (d), during such period of employment.

Patron - Cole, J.G.

[F] HB424 Requiring a school resource officer in every school; School Resource Officer Supplementary Fund created. Requires each local school board to place a school resource officer in each public elementary and secondary school. The bill provides that 44 percent of revenues from taxes on alcohol licenses, distilled spirits, and beer and wine coolers shall accrue to the School Resource Officer Supplementary Fund, created by the bill, which would be used to fund the costs of the school resource officer requirement.

Patron - McGuire

[F] HB483 Standards of Learning; review; racism and inequity. Requires the Board of Education, in its review of the Standards of Learning in all subject areas, to consider the need for revisions to remove any racist or inequitable elements of such standards. This bill was incorporated into HB 916.

Patron - Kory

[F] HB522 Department of Education; common statewide definition; "students with limited or interrupted formal education." Requires the Department of Education to develop and adopt a common statewide definition for the term

"students with limited or interrupted formal education" and to require school boards to report on the number of students who fall under such definition as part of the required data collection and reporting on average daily membership for the purposes of documenting any changes in such numbers over time and allowing for comparisons of such numbers across local school divisions. The bill provides that in developing and adopting such common statewide definition, the Department of Education shall consider and may adopt existing definitions of "students with limited or interrupted formal education."

Patron - Kory

F HB527 Student assessments; language translation. Requires each school board to establish a process for the translation of certain statutorily required student assessments and any accompanying assessment instructions into the native language of each student who will participate in such assessments.

Patron - Kory

F HB678 Parental Choice Education Savings Accounts established. Permits the parents of certain children to apply to the school division in which the child resides for a one-year, renewable Parental Choice Education 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

F HB683 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

F HB693 School boards; paid maternity leave benefit policy. Requires each school board to establish a paid maternity leave benefit policy to grant any mother who has been employed full time by the school board for at least two years and who gave birth to or adopted a child 12 weeks of paid sick leave, in addition to any other sick leave to which such individual is otherwise entitled, to care for such child. Each such policy shall include provisions relating to (i) any payroll contributions that may be required to finance all or any part of the implementation of the paid maternity leave benefit, (ii) the amount and value of the maternity leave benefit, (iii) the computation of the duration of the paid maternity leave benefit, (iv) the period within which the paid maternity leave benefit shall be used, (v) intermittent use of the paid maternity leave benefit, (vi) employment protection for mothers who use the paid maternity leave benefit, (vii) the coordination of the use of the paid maternity leave benefit and any other leave pursuant to the federal Family and Medical Leave Act, 29 U.S.C. § 2601 et seq., and (viii) any other consideration deemed relevant by the school board.

Patron - Simonds

F HB695 Reports of certain acts to school authorities; exclusion; possession of certain amount of marijuana.

Excludes from the incident reports required to be made to division superintendents and principals or their designees incidents involving the possession, for personal use and without the indicia of an intent to distribute, of less than one-quarter of one ounce of marijuana on a school bus, on school property, or at a school-sponsored activity. This bill was incorporated into HB 257.

Patron - Simonds

F HB701 School boards; school meal policies; parental notification and opt-out. Requires each school board to adopt policies that (i) require each elementary and secondary school in the school division to send to the parents of each student by the end of the first week of the school year notice of the consequences of school meal 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; (ii) require any elementary or secondary school in the school division to resend such notice to the parents of any student who accrues a school meal debt before the consequences of such debt go into effect; and (iii) require the parents of any student who do not want their child to be served a school meal to submit a written request to the student's school.

Patron - Roem

F HB710 Public school buses; decals; "In God We Trust." Permits local school boards, notwithstanding any regulation to the contrary, to display decals containing the motto "In God We Trust" on public school buses, provided that no such decal obstructs the name of the school division or the number of the school bus.

Patron - Rush

F HB716 Certain public school employees; online mental health awareness training required. Requires the Department of Education to adopt and implement policies that require each teacher, school counselor, school athletics team coach, and school activity supervisor to complete an online mental health awareness training. The bill requires the Department of Education to provide such training and permits the Department of Education to 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. This bill was incorporated into HB 76.

Patron - Reid

F HB718 School resource officers; custodial interrogation; parental consent. Prohibits each school resource officer from conducting a custodial interrogation, which the bill defines as any interview of a public elementary or secondary school student conducted by a school resource officer in such circumstances that would lead a reasonable person to consider himself to be in custody associated with arrest and during which the school resource officer takes actions or asks questions that are reasonably likely to elicit responses from the student that could incriminate him, without the written consent of the student's parent.

Patron - Reid

F HB725 Teachers in certain schools for students with disabilities; provisional licenses; extension. Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory perfor-

mance evaluations for such teacher for each year of the original three-year provisional license. The provisions of the bill mirror current law relating to the extension of provisional licenses for public school teachers. This bill was incorporated into HB 1469.

Patron - Reid

F HB897 School resource officers; memorandums of understanding. The bill requires that the required memorandum of understanding entered into by a local school board and local law-enforcement agency 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. 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. This bill was incorporated into HB 292.

Patron - Guzman

F HB931 Public schools; Standards of Learning assessments; report. 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, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than the first day of each Regular Session of the General Assembly. The bill also requires that such amount be included in the total for Direct Aid to Public Education in any general appropriation act.

Patron - Coyner

F HB939 Public schools; firearm safety education program. Requires local school boards to provide firearm safety education programs for students in high school. The bill requires the Board of Education to establish curriculum guidelines for the program, in consultation with the Department of State Police, and requires that the program be taught by a school resource officer, other law-enforcement officer, or a United States Armed Forces instructor. The bill prohibits the use of firearms in the program. Current law allows local school boards to provide a firearm safety education program for stu-

dents in the elementary grades and does not specify who may instruct such program.

Patron - Webert

F HB953 Science, technology, engineering, arts, and mathematics (STEAM) programs; grants. Establishes the STEAM Education Fund for the purpose of awarding grants in amounts not to exceed \$50,000 annually to any public elementary or secondary school in the Commonwealth at which at least 25 percent of students qualify for free or reduced lunch that provides an academic class, curriculum, or activity focused on a science, technology, engineering, arts, or mathematics (STEAM) discipline.

Patron - Ayala

F HB1085 Public schools; potable water. Establishes minimum requirements for the installation of water bottle filling stations and drinking fountains in new public school buildings, additions to existing public school buildings, and alterations to existing public school buildings estimated to cost \$50,000 or more. The bill requires the Board of Education to amend its regulations to require local school divisions to allow all students to carry and utilize a water bottle while at school.

Patron - Hayes

F HB1089 Public elementary schools; instruction; success sequence. Requires each public elementary school principal to ensure that instruction on the importance of the success sequence, which the bill defines as the sequential act of graduating from high school, securing full-time employment, and marrying before having children and the impact that has on poverty in the United States, is provided at least annually to each student at the grade level that the principal deems appropriate. The bill permits such instruction to be incorporated into existing curricula and to be delivered in collaboration with any other entity or individual.

Patron - Miyares

F HB1110 Standards of Learning; history and social science; diverse people; gender identity and sexual orientation. Includes consideration of gender identity and sexual orientation in the study of contributions to society of diverse people as part of the Standards of Learning for history and social science. This bill was incorporated into HB 916.

Patron - Hudson

F HB1114 School principals; incident reports. Eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement.

Patron - Hudson

F HB1122 Public schools; electives on the Hebrew Scriptures/Old Testament and the New Testament. Requires local school boards to offer as an elective in grades nine through 12 with appropriate credits toward graduation a course, either in a traditional classroom setting or in a virtual classroom setting, 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 - Robinson

F HB1124 Yellow schools; authorization. Permits any school board to enter into an operating contract with a not-for-profit entity (operating entity) to designate a public elementary or secondary school in the local school division in which at least 50 percent of enrolled students are eligible for free or reduced price lunch as a yellow school and requires each such contract to (i) require the school board to transfer its constitutional authority to supervise the yellow school to the operating entity, including its authority relating to personnel and curriculum, for an initial period of at least two years, provided, however, that the yellow school shall be subject to all federal and state accountability requirements prescribed by law or regulation; (ii) require the operating entity to make available nutritional support, after school academic and mentorship services, health care support by licensed nurse practitioners or doctors, and dental care by dental hygienists or dentists to each student enrolled in the yellow school; (iii) permit the operating entity to seek reimbursement under Medicaid for all the services described in clause (ii) that are provided to eligible students; (iv) require the operating entity to establish performance metrics for the yellow school and biannually report to the school board on its compliance with such metrics; and (v) require the supervision of the yellow school to be transferred back to the school board if the operating entity breaches the operating contract or fails to meet the performance metrics established in the operating contract. The bill permits any such operating contract to contain provisions for the use of local school division services for a yellow school, including transportation, food services, and extracurricular activities. The bill provides that each operating entity is entitled to matching state funds pursuant to the general appropriation act in an amount equal to 25 percent of all funds that the operating entity invests to provide the services described in clause (ii) in the yellow school. The bill also provides that no operating entity that receives such matching state funds is eligible to receive a Neighborhood Assistance Act Tax Credit pursuant to Article 13.2 (§ 58.1-439.18 et seq.) of Chapter 3 of Title 58.1.

Patron - Davis

F HB1135 School resource officers; memorandums of understanding. The bill requires that the required memorandum of understanding entered into by a local school board and local law-enforcement agency 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 a 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. 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. This bill was incorporated into HB 292.

Patron - Lopez

F HB1140 Clean School Bus Grant Fund and Program; establishment. Establishes the Clean School Bus Grant Fund and requires the Department of Education to establish the Clean School Bus Grant Program for the purpose of (i) awarding grants from the Fund on a competitive basis to school boards for (a) the complete replacement of existing diesel school buses with electric school buses no later than 2030, (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses, and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) developing education outreach to promote the Program. The bill contains provisions relating to grant applications, priority, awards, and uses. The bill requires the Department of Education to make available to the public and annually report to the General Assembly certain information relating to the Program. The bill has an expiration date of July 1, 2030.

Patron - Keam

F HB1169 Public elementary and secondary school teachers; probationary term of service. Provides that a probationary term of service of at least three years shall be required before a public elementary or secondary school teacher is issued a continuing contract. Current law provides that a probationary term of service of at least three years and, at the option of the local school board, up to five years in the same school division shall be required before a public elementary or secondary school teacher is issued a continuing contract. This bill was incorporated into HB 365.

Patron - Wampler

F HB1177 School board policies; homework assignments; Internet connection. Requires each school board to establish a policy to prohibit any teacher in the school division from assigning to any student a homework assignment that requires the use of an Internet connection that is capable of transmitting information at a rate that is not less than 256 kilobits per second in at least one direction when such student lacks meaningful access to such an Internet connection.

Patron - Poindexter

F HB1274 Department of Education; School Construction Fund and Program. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities.

Patron - O'Quinn

F HB1294 Board of Education; certain English language learner students; removal from certain non-academic school performance indicator calculations. Requires the Board of Education to permit any English language learner student who enters high school with an English language proficiency level of 1 or 2, has been enrolled in public schools in the Commonwealth for fewer than four semesters, and has a final

four-year cohort status of dropout or unconfirmed to be removed from the calculation of the dropout rate and graduation and completion index non-academic school performance indicators for English language learner students under the Standards of Accreditation.

Patron - Kory

F HB1316 Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, and other licensed health and behavioral positions, per 1,000 students.

Patron - Aird

F HB1323 Instructional positions; students identified as having limited English proficiency. Requires state funding to be provided pursuant to the general appropriation act to support 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students. This bill was incorporated into HB 975.

Patron - Kory

F HB1326 Teachers; probation and dismissal. Specifies that a teacher may be placed on probation for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. The bill replaces the current condition constituting incompetency, for the purposes of teacher employment, of one or more unsatisfactory performance evaluations with the condition of more than one unsatisfactory performance evaluation or one unsatisfactory performance evaluation coupled with a finding by the division superintendent that the teacher (i) exhibited a pattern of poor performance or (ii) failed to respond to efforts to improve his performance. The bill extends from 10 business days to 15 business days the deadline for a teacher to request a hearing after receiving written notice of a recommendation of dismissal. The bill also staggers by 10 days (a) the opportunity for a teacher recommended for dismissal to inspect and copy his personnel file and all other documents relied upon in reach-

ing the decision to recommend dismissal and (b) the opportunity for the division superintendent to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The bill also extends from 15 business days to 30 business days the deadline for the school board or hearing officer to set a hearing after a request for a hearing by a teacher recommended for dismissal. This bill was incorporated into HB 365.

Patron - Kory

F HB1415 School library clerical personnel; ratios of positions to students. Establishes, as part of each local school board's provision of those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, the following ratios for school library clerical personnel positions: in elementary schools, one full-time at 300 students and two full-time at 700 students; in middle schools, one full-time at 300 students, two full-time at 800 students, and three full-time at 1,700 students; and in high schools, one full-time, two full-time at 900 students, and three full-time at 1,800 students.

Patron - Roem

F HB1446 Certain school boards; school buildings; assessment; compliance. Requires any local school board in a local school division that (i) is under a division-level corrective action plan, (ii) contains any school that is under a corrective action plan, or (iii) receives at-risk add-on payments pursuant to the general appropriation act to annually assess each school building in the local school division for compliance with the Board of Education's minimum standards for school buildings and report the results to the Board. The bill requires, in any case of noncompliance with such standards, such report to include an assessment of the extent to which local funds are available to remedy such noncompliance. The bill provides that when the Board determines, on the basis of any such report, that a local governing body has not provided the local school board sufficient funds to ensure compliance with the minimum standards for school buildings, the Board may petition the relevant circuit court to compel the local governing body to provide such funds to the local school board.

Patron - Aird

F HB1515 School boards; staffing ratios; school counselors. Requires school boards to employ school counselors in accordance with the following ratios: (i) effective with the 2020–2021 school year, in elementary schools, one hour per day per 60 students, one full-time at 300 students, one hour per day additional time per 60 students or major fraction thereof; in middle and high schools, one period per 55 students, one full-time at 275 students, one additional period per 55 students or major fraction thereof and (ii) effective with the 2021–2022 school year, in elementary, middle, and high schools, one hour per day per 50 students, one full-time at 250 students, one additional hour per day per 50 students or major fraction thereof. Under current law, school boards are required 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; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

Patron - McQuinn

F HB1554 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, who are employed on a full-time basis to complete a Mental Health First Aid training or similar program every three years. The bill requires each school board to provide such training and allows a school board to contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or a certified trainer of the Mental Health First Aid training program to provide such training. This bill was incorporated into HB 76.

Patron - Samirah

F **HB1557 Appointed school boards; members; salaries.** Eliminates the annual salary limits for appointed school board members and permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 (Counties, Cities and Towns) or as provided by charter. This bill incorporates HB 1578.

Patron - Fowler

F **HB1578 Appointed school boards; members; salaries.** Eliminates the annual salary limits for appointed school board members and permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 (Counties, Cities and Towns) or as provided by charter.

Patron - Wyatt

F **HB1711 Virtual Virginia; availability.** Expands the availability of the Virtual Virginia Program to public middle schools.

Patron - Bagby

F **SB4 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. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stanley

F **SB5 Board of Education; uniform minimum standards for modern public school buildings.** Requires the Board of Education to prescribe by regulation uniform minimum standards for the erection of modern public school buildings and the modernization of existing public school buildings for the purpose of promoting positive educational outcomes for each public elementary and secondary school student. The bill requires such regulations to include uniform minimum modern public school building standards that promote (i) the delivery of instruction that complies with the Standards of Learning by addressing enrollment capacity and available space and (ii) the health and safety of each enrolled student. The bill requires each school board, once every three years, to (a) assess and report to the Board the extent to which each public school building in the local school division complies with such uniform minimum standards and (b) submit to the Board a long-range plan for compliance with such uniform minimum standards, including an assessment of the cost of such compliance,

in any case in which the school board determines that a public school building in the local school division does not comply with such standards. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stanley

F **SB47 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children; membership.** Increases the number of nonlegislative citizen members on the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children from five members to six members and requires that a parent of a military child be included in the composition of the Council. This bill was incorporated into SB 41.

Patron - Spruill

F **SB129 Public schools; firearm safety education program.** Requires local school boards to provide firearm safety education programs for students in all grades. The bill requires (i) the Board of Education to establish curriculum guidelines for the program, in consultation with the Department of Criminal Justice Services; (ii) school boards to offer a minimum of two hours of instruction consistent with such guidelines; and (iii) that the program be taught by a school resource officer, other law-enforcement officer, or a United States Armed Forces instructor. The bill prohibits the use of firearms in the program. Current law allows local school boards to provide a firearm safety education program for students in the elementary grades and does not specify who may instruct such program.

Patron - Norment

F **SB132 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 - Chase

F **SB134 School boards; teachers; planning time and planning periods.** Requires each local school board to ensure that each elementary school teacher has an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day or the equivalent, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. 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. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stuart

F **SB142 Virtual Virginia.** Requires that the Virtual Virginia Program, the statewide electronic classroom estab-

lished by the Department of Education, be made available to all public schools. Currently, the program is available only to high schools. The bill requires 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, per-course fee to school divisions for each student enrolled in a full-time Virtual Virginia program beyond an initial allotment of 15 such students per course, per school. The bill 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 to the General Assembly.

Patron - Dunnivant

[F] SB151 School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.

Patron - Stuart

[F] SB176 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

[F] SB299 Potable water; purified water bottle filling station. Requires each local school board to install at least one purified water bottle filling station in every public school in the local school division. The bill requires that each purified water bottle filling station (i) dispense filtered, clean drinking water; (ii) be regularly cleaned and maintained; and (iii) be accompanied by a cup dispenser if there is no drinking fountain on the same floor and wing as the water bottle filling station.

Patron - Stanley

[F] SB339 Public schools; immunization rates. Requires each school board to publish on the official school division website for each school in the school division the number of students admitted to the school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption, and the number of students who have been conditionally admitted.

Patron - Stuart

[F] SB551 High school graduation requirements; standard diploma; workforce skills training. Requires the Board of Education, in establishing high school graduation requirements, to permit any student who has successfully completed during high school at least two years of workforce skills training as evidenced by written certification from the training provider to graduate with a standard diploma without completing the remaining credit requirements for such diploma.

Patron - Ruff

[F] SB552 Regional alternative education programs; funding. Requires the funding transferred from the Department of Education to the relevant school divisions in support of a regional alternative education program to be based on each such school division's need for the current school year. Under current law, such funding is transferred based on data accumulated during the prior school year.

Patron - Ruff

[F] SB691 School Guardian Fund and Program; establishment. Establishes the School Guardian Fund and requires the Virginia Center for School and Campus safety to establish and administer the School Guardian Program for the purpose of providing grants from the Fund on a competitive basis to school boards for the appointment or hiring of school guardians, which the bill defines as any individual, including any school resource officer, school security officer, or other school board employee, who is hired or appointed by a school board to carry a firearm on school property during normal school hours for school security purposes. The bill requires each such school guardian to receive an annual stipend of \$500 for the performance of his duties. The bill requires the Center to (i) establish training and screening standards for such school guardians that include, at minimum, a requirement to receive a psychological screening and a drug screening prior to the commencement of school guardian duties and (ii) adopt such other rules and policies as it deems necessary for the administration of the Program, including rules and policies for grant applications and awards.

Patron - Obenshain

[F] SB728 Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the Standards of Quality, including requiring the establishment of a unit in the Department of Education to oversee work-based learning statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs and the establishment of a unit in the Department of Education to oversee principal mentorship statewide in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, and other licensed health and behavioral positions, per 1,000 students. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - McClellan

[F] SB847 Public schools; Standards of Learning assessments; report. 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, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than the first day

of each Regular Session of the General Assembly. The bill also requires that such amount be included in the total for Direct Aid to Public Education in any general appropriation act.

Patron - Pillion

F SB934 Board of Education; certain English language learner students; removal from certain non-academic school performance indicator calculations. Requires the Board of Education to permit any English language learner student who enters high school with an English language proficiency level of 1 or 2, has been enrolled in public schools in the Commonwealth for fewer than four semesters, and has a final four-year cohort status of dropout or unconfirmed to be removed from the calculation of the dropout rate and graduation and completion index non-academic school performance indicators for English language learner students under the Standards of Accreditation.

Patron - Favola

F SB1034 Department of Education; behavioral assessments and interventions. Directs the Department of Education to review and revise the Guidelines for Conducting Functional Behavioral Assessment and Developing Positive Behavior Intervention Supports and Strategies to align with research-based behavior science and best practices for functional behavior analysis. The bill also requires the Department to review and revise the content of the in-depth training provided to local school divisions on conducting functional behavioral analysis and developing quality behavior intervention plans.

Patron - Chafin

F SB1087 Department of Education; School Construction Fund and Program. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities.

Patron - Pillion

Carried Over

C HB40 Board of Education; mental health break spaces; regulations. Requires the Board of Education to amend its regulations to require that each public school create and maintain a mental health break space within the public school building. The bill requires the Board of Education to collaborate with the Department of Behavioral Health and Developmental Services in the creation of regulations for the mental health break spaces.

Patron - Samirah

C HB49 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 the transition of students who are educated in private school settings pursuant to Individualized Education Programs to the appropriate public school setting in the relevant local school division for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and

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

Patron - McNamara

C HB109 Public elementary and secondary school students; suspension and expulsion; sufficient cause. Provides that in no case shall sufficient cause for the suspension or expulsion of a student from attendance at a public elementary or secondary school include only instances of truancy or nonviolent behavior. Current law provides that in no cases may sufficient cause for suspensions include only instances of truancy.

Patron - Cole, J.G.

C HB195 State Council of Higher Education for Virginia; course credit for dual enrollment; strategies for enhancing opportunities. Requires the State Council of Higher Education for Virginia, in consultation with each public institution of higher education and in collaboration with the Department of Education, to include in its policy for granting undergraduate course credit to any entering student who has successfully completed a dual enrollment course strategies for public high schools and institutions of higher education to enhance dual enrollment opportunities for students.

Patron - Orrock

C HB332 Department of Education; pilot program; reading diagnostic tests and instruction. Requires the Department of Education to develop and implement a geographically representative two-year pilot program to administer reading diagnostic tests that include all components of a normed rapid automatized naming test. The bill requires each local school division in the pilot program to provide evidence-based instruction, including structured literacy instruction, to students in kindergarten through grade three who fall below the benchmark on any such reading diagnostic test or demonstrate deficiencies based on their individual performance on the Standards of Learning reading test. The bill requires the Department of Education to report to the Governor and General Assembly, no later than December 1, 2022, on the outcomes of the pilot program and the necessary resources for statewide implementation of such tests and instruction.

Patron - Hope

C HB634 School Divisions of Innovation; local 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 to replace the Virginia Studies and Civics and Economics Standards of Learning assessments with local assessments that include performance-based assessments. The bill requires any such application to (i) demonstrate that the proposed local assessment requires that students demonstrate the knowledge and skills required by the relevant Standards of Learning and that students demonstrate one or more of the skills and qualities of critical thinking, creativity, collaboration, communication, or citizenship and (ii) provide evidence of the local school board's

capacity to administer and score performance-based assessments.

Patron - LaRock

HB694 **Students in grades six, seven, and eight; computer science or introduction to technology course required.** Requires each student in grades six, seven, and eight, starting in the 2025–2026 school year, to complete at least one semester-long or year-long computer science elective course or introduction to technology course that is aligned with the appropriate Standards of Learning and may include the following content: examining systems and resources of technology, solving problems in technology, introducing microcontrollers, exploring the designed world, computing systems, networks and the Internet, cybersecurity, data and analysis, algorithms and programming, and the impacts of computing. The bill provides that no such student shall be required to complete an end-of-course assessment for any such course. The bill requires the Board of Education to amend or create Standards of Learning as necessary to implement the foregoing provisions and requires the Department of Education to confer with certain organizations to ensure that the proper training is available to the teachers of such courses.

Patron - Simonds

HB762 **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 - Cole, J.G.

HB958 **Secretary of Education; establishment of College and Career Readiness Steering Committee.** Requires the Secretary of Education to establish a 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 particularly 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

HB1031 **Regional alternative education programs; funding.** Requires the funding transferred from the Department of Education to the relevant school divisions in support of a regional alternative education program to be based on each such school division's need for the current school year. Under current law, such funding is transferred based on data accumulated during the prior school year.

Patron - Adams, L.R.

HB1123 **Board of Education; high school graduation requirements; certain substitutions.** Requires the Board of Education, in establishing high school graduation requirements, to provide for the substitution of computer coding course credit for any foreign language course credit required to graduate with a standard or advanced diploma for children with disabilities.

Patron - Davis

HB1277 **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, as amended.

Patron - O'Quinn

HB1381 **Special education; due process hearings; nonattorney representatives.** Permits a school division and the parents of a child with a disability in the school division to be accompanied and advised by any nonattorney with special knowledge or training with respect to the needs of children with disabilities in any due process hearing before a hearing officer. The bill declares that it constitutes the practice of law without being authorized or licensed to do so as prohibited by law when any such nonattorney drafts or submits pleadings, motions, or briefs; presents evidence; makes any argument, including any argument relating to any law or regulation; or questions witnesses on behalf of any parent or student. The bill requires the Board of Education to adopt regulations to establish (i) licensure requirements, including minimum training and qualification requirements, (ii) a code of professional conduct, and (iii) a mechanism for the review and resolution of complaints for such nonattorneys. Current law permits the school division and the parents of a child with a disability to be represented by any individual, regardless of special knowledge or training, in any due process hearing before a hearing officer and declares that such representation does not constitute the practice of law without being authorized or licensed to do so.

Patron - Leftwich

HB1400 **Board of Education; graduation requirements; English as a second language courses.** Requires the Board of Education, in establishing high school graduation requirements, to permit English as a second language (ESL) courses to satisfy credit requirements for graduation.

Patron - Willett

HB1432 **Certain early childhood care and education programs; parents of enrolled children; car seats for field trips.** Requires the Department of Social Services to adopt regulations to require the parent of any child who attends any certified preschool, child day center, child day home, or family day home, including any registered family day home, to provide an age-appropriate and developmentally appropriate car seat for his child on any day on which the child attends a field trip that requires the use of such a car seat. The bill requires the Board of Education to adopt the same regulations for any Virginia Preschool Initiative program or early childhood special education program licensed by the Board of Education and directs any Head Start program offered in the Commonwealth to adopt the same requirement.

Patron - Sullivan

HB1599 **School boards; staffing ratios; librarians.** Requires school boards to employ librarians in accordance with the following ratios: in elementary schools, one part-time to 299 students, one full-time at 300 students, and two full-time at 700 students; in middle schools, one-half time to 299 stu-

dents, one full-time at 300 students, two full-time at 800 students, and three full-time at 1,700 students; and in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 900 students, and three full-time at 1,800 students. Under current law, school boards are required to employ librarians in accordance with the following ratios: in elementary schools, one part-time to 299 students and one full-time at 300 students; in middle schools, one-half time to 299 students, one full-time at 300 students, and two full-time at 1,000 students; and in high schools, one half-time to 299 students, one full-time at 300 students, and two full-time at 1,000 students.

Patron - Roem

HB1633 Board of Education; school modernization loan interest rate subsidy payments; eligibility. Requires the Board of Education to establish a program to use Literary Fund proceeds to subsidize interest payments on certain loans made by the Virginia Public School Authority to local governing bodies and school boards for the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities as follows: for school divisions in localities determined to have above-average or high fiscal stress by the Commission on Local Government in its most recent version of such report, the Board shall subsidize up to 100 percent of the interest due on such loan. Under current law, eligibility for such interest rate subsidy payment is based on the local composite index of ability to pay.

Patron - Edmunds

SB80 Student journalists; freedom of speech and the press. Declares that, except in certain limited circumstances, a student journalist at a public middle school or high school or public institution of higher education has the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of whether the media is supported financially by the school board or governing board, supported through the use of school or campus facilities, or produced in conjunction with a class or course in which the student is enrolled. The bill defines "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public middle school or high school or public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body.

Patron - Marsden

SB128 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, 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.

Patron - Suetterlein

SB190 Children's Services Act; 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 residential or nonresidential services in a public school setting and to provide services to children placed in public residential facilities or public special education day schools in addition to such private facilities and private special education day schools as provided in current law.

Patron - Peake

SB249 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 to replace the Virginia Studies and Civics and Economics Standards of Learning assessments with performance-based assessments. The bill requires any such application to (i) demonstrate that the proposed performance-based assessment requires that students demonstrate the knowledge and skills required by the relevant Standards of Learning and that students demonstrate one or more of the skills and qualities of critical thinking, creativity, collaboration, communication, or citizenship and (ii) provide evidence of the local school board's capacity to administer and score performance-based assessments.

Patron - Favola

SB327 Cost of competing adjustment; eligibility; certain school boards. Declares the Accomack County School Board and the Northampton County School Board eligible to receive the cost of competing adjustment to salaries for instructional and support positions as part of the state share of basic aid pursuant to the general appropriation act.

Patron - Lewis

SB366 Department of Education; learning management system. Directs the Department of Education to obtain a statewide learning management system for use in public schools by the start of the 2022-2023 school year.

Patron - Dunnivant

SB367 Department of Education; student growth measurement system. Directs the Department of Education to obtain an individualized student growth measurement system that tracks and analyzes student growth indicators. The bill requires that the student growth measurement system be implemented during the 2022-2023 school year.

Patron - Dunnivant

SB390 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, as amended.

Patron - McPike

SB420 Public schools; seizure management and action plans; training. Provides for the submission and utilization of seizure management and action plans for students with a seizure disorder. The bill requires that school nurses and certain school division employees biennially complete a Board of Education-approved online course of instruction regarding treating students with seizure disorders. The bill also provides

immunity from civil liability for acts or omissions related to providing for the care of a student under a seizure management and action plan.

Patron - DeSteph

C SB461 Veterans and active duty members of the Armed Forces; teachers; credit for service. Requires each local school board to give any veteran or active duty member of any of the Armed Forces of the United States or the Commonwealth who it employs as a teacher in the local school division credit for any time served in any such forces in determining such teacher's step on the local school division's teacher salary scale.

Patron - Reeves

C SB779 Department of Education and Department of Environmental Quality; 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

C SB1078 Department of Education; federal accountability indicators; PSAT/NMSQT; PreACT. Directs the Department of Education to amend its state plan pursuant to the Every Student Succeeds Act to include the Preliminary SAT/National Merit Scholarship Qualifying Test and the PreACT in the next federal accountability indicators application. The bill directs the Department and the Board of Education to grant verified credit to students who have earned approved scores on these two tests and permit schools to count those students as a "pass."

Patron - Suetterlein

C SB1080 Superintendent of Public Instruction; Urban Teacher Fund and Program; established. Establishes the Urban Teacher Fund and Program, to be administered by the Superintendent of Public Instruction, for the purpose of providing grants to persons employed in urban school divisions with teacher shortages who remain employed by the urban school division for a period of at least five years.

Patron - Morrissey

Elections

Passed

P HB1 Absentee voting; no excuse required. 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. This bill incorporates HB 25, HB 208, and HB 209.

Patron - Herring

P HB19 Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. 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 student identification card issued by any institution of higher education located in any other state or territory of the United States; 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 also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. This bill incorporates HB 190 and HB 878.

Patron - Lindsey

P HB43 Provisional voting; persons voting in split precincts. Provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot.

Patron - Cole, M.L.

P HB88 Elections; campaign finance; filing schedule for persons with multiple campaign committees. Requires any person who is named as the candidate on the statement of organization for more than one campaign committee to file reports for all such committees on the same schedule as any such committee.

Patron - Carter

P HB146 Sample ballots; color of paper of unofficial sample ballots. Removes the restriction on unofficial sample ballots being printed on yellow paper. With this bill, unofficial sample ballots are prohibited only from being printed on white paper. The bill contains technical amendments for clarity and readability.

Patron - Lindsey

P HB179 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 the conclusion of the recount of each precinct. The bill provides that the recount court may not consider the validity of any ballots not set aside prior to the conclusion of the recount of each precinct.

Patron - Levine

P HB186 Election day page program; central absentee voter precinct. Removes the prohibition against an election day page program being conducted in a central absentee voter precinct.

Patron - Simon

P HB196 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 service on election day or at a meeting of the electoral board following the election to ascertain the results of the election. Current law prohibits such employment discrimination only on the basis of election day service and only against officers of election. A violation of the bill's provisions is a Class 3 misdemeanor.

Patron - Gooditis

P HB198 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 tie votes occurring after a recount of an election for Governor, Lieutenant Governor, or Attorney General, which the Constitution of Virginia provides for, or for electors of President and Vice President of the United States, which will continue to be determined by lot. This bill incorporates HB 178 and HB 692.

Patron - Price

P HB201 Elections; voter registration; extended time for persons to register in person. Provides any person who is qualified to vote is entitled to register to vote in person up to and including the day of the election at the office of the general registrar in the locality in which the person resides or at the polling place for the precinct in which the person resides. Under current law, registration records close for registration purposes, whether in person or by other means, 21 days prior to a primary or general election. The bill has a delayed effective date of October 1, 2022. The bill incorporates HB 187.

Patron - Ayala

P HB202 Officers of election; timing of additional training following change in law or regulation. Requires the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect. Under current law, such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation.

Patron - Tran

P HB207 Absentee voting; no excuse; permanent absentee voter list. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. The bill also provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The provisions of the bill providing for a permanent absentee voter list do not become effective

until July 1, 2021. This bill received Governor's recommendations.

Patron - VanValkenburg

P HB213 Voter identification; accepted forms of identification; student identification card issued by out-of-state institution of higher education. 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

P HB214 Candidate petitions; residency of petition circulators; signed statement required for nonresident circulators. Removes the requirement that a person circulating a petition of qualified voters be a legal resident of the Commonwealth. The bill requires a nonresident petition circulator to sign a statement on the affidavit accompanying the petition that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required by law.

Patron - Sullivan

P HB220 Absentee voting; postage prepaid on return envelope. Requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly.

Patron - Krizek

P HB232 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 application forms to public institutions of higher education, nonprofit private institutions of higher education that are eligible to participate in the Tuition Assistance Grant Program, and any other education institution that is authorized to issue bonds. The bill requires the State Council of Higher Education for Virginia to assist the Department by providing a list of such institutions and by requesting those institutions to make the mail voter registration application forms available to students.

Patron - Willett

P HB235 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 person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information

collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. This bill is identical to SB 219.

Patron - Cole, J.G.

P HB236 State Board of Elections; increasing membership; Commissioner of Elections; role and eligibility; report. Increases the membership of the State Board of Elections from three members to five members. Representation is 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 provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Persons engaging in certain partisan activities, persons related to persons engaging in certain partisan activities, and persons related to members of the State Board are prohibited from serving as the Commissioner of Elections. The bill has a delayed effective date of January 1, 2021.

Patron - Sickles

P HB237 Local electoral boards; terms to begin January 1. Provides for terms of local electoral board members to begin on January 1. If the results of an election have not been certified by the board or a recount of an election has not concluded, the term will expire at midnight on the day the results are certified or the recount is concluded, instead of December 31. Under current law, terms begin March 1.

Patron - Sickles

P HB238 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. This bill contains technical amendments and is identical to SB 455.

Patron - Sickles

P HB239 Absentee voting; deadline for applying for an absentee ballot to cast other than in person. Adjusts the deadline for a voter to apply for an absentee ballot that is to be cast by mail from the seventh day prior to the election to the eleventh day prior to the election. The bill also adjusts the deadline for applications for multiple elections for uniformed and overseas voters and for emergency applications and absentee ballots for persons incapacitated or hospitalized.

Patron - Sickles

P HB240 Absentee voting; annual applications for eligible absentee voters. Provides that any person who is eligible for an absentee ballot pursuant to law and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in that calendar year. This application requires a statement signed by the voter that he is eligible for an absentee ballot pursuant to law and is likely to remain so eligible for the remainder of the calendar year. Under current law, such a special annual application is available to persons who are eligible to vote absentee due to a

disability or illness and are likely to remain eligible to vote absentee due to such disability or illness.

Patron - Sickles

P HB241 Protected voter status; certain evidence not required. Removes the requirement that a person who is in fear for his personal safety from another person who has threatened or stalked him must provide evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person in order to be granted protected voter status. The bill does not eliminate the requirement that he submit a signed written statement that he is in fear for his personal safety for him to be granted protected voter status.

Patron - Sickles

P HB242 Absentee voting; emergency voting. Provides a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared. The bill contains technical amendments that consolidate current Code sections regarding emergency absentee voting.

Patron - Sickles

P HB500 Lists of registered voters; provided at no charge to courts of the Commonwealth and the United States for jury selection purposes. Directs the Department of Elections to provide, at no charge, the courts of the Commonwealth and the United States with the lists of registered voters in their districts for jury selection purposes no more than two times in a 12-month period. At any other time in the same 12-month period, the lists shall be provided for a reasonable price. This bill is identical to SB 466.

Patron - Krizek

P HB539 State Board of Elections; activities related to the supervision of local electoral boards and general registrars. Requires that the State Board of Elections' supervision of the work of the local electoral boards and general registrars ensures that major risks to election integrity are identified and assessed and addressed as necessary to promote election uniformity, legality, and purity. As introduced, the bill was a recommendation of the Joint Legislative Audit and Review Commission.

Patron - Carr

P HB540 Elections administration; Department of Elections; position of Director of Operations. Directs the Department of Elections to employ a Director of Operations, who will be responsible for managing the day-to-day operations at the Department and ensuring (i) fulfillment of the Department's mission and responsibilities; (ii) compliance with state and federal election laws and regulations; and (iii) compliance with the Department's business, administrative, and financial policies. The bill provides that the Director of Operations position is a full-time classified position subject to the Virginia Personnel Act. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

Patron - Carr

P HB849 Political campaign advertisements; applicability of disclosure requirements to advertisements placed or promoted for a fee on an online platform; identification and certification requirements. Subjects any message that is placed or promoted for a fee on an online platform to the same disclosure requirements to which print media, tele-

vision, and radio advertisements are subject. The bill adds definitions for purposes of the political advertisement disclosure requirements for "online platform," "online political advertisement," and "online political advertiser." The bill expands the definition of "print media" to include any non-video or non-audio message placed or promoted for a fee on an online platform, subjects advertisements in video format that are placed or promoted for a fee on an online platform to the same disclosure requirements to which television advertisements are subject, and subjects advertisements in audio format that are placed or promoted for a fee on an online platform to the same disclosure requirements to which radio advertisements are subject. The bill also requires online platforms to establish reasonable procedures to enable online political advertisers to identify themselves as online political advertisers and to certify to the online platform that they are permitted to lawfully purchase or promote for a fee online political advertisements.

Patron - Simon

P HB872 Voter registration by mail; certain first-time voters permitted to vote by absentee ballot. Adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. This bill incorporates HB 185.

Patron - Bourne

P HB1053 Voting systems; voter-verifiable paper record. Requires any electronic voting system approved by the State Board of Elections to retain each printed ballot cast. Printed ballots are currently defined to include machine-readable ballots, and the bill amends the definition of a machine-readable ballot to mean a tangible ballot that is marked by a voter or by a system or device operated by voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine. The bill amends the requirements for sealing and delivering ballots after an election to include printed ballots; current law only addresses paper ballots.

Patron - Levine

P HB1061 Elections; campaign finance; committee depositories and reimbursement. Clarifies that committee treasurers may pay expenses by electronic debit drawn on a designated committee depository. Current law only allows for a check drawn on such depository. The bill also clarifies that reimbursements may be made for electronic debit payments made by an authorized committee representative. The bill contains technical amendments.

Patron - Adams, D.M.

P HB1062 Elections; political campaign advertisements; definition of campaign telephone calls and telephone call; text messages. Adds text messages to the definition of campaign telephone calls. The bill also defines "telephone call" as any single telephone call or text message, electronic or otherwise, that when combined with other telephone calls constitutes campaign telephone calls.

Patron - Adams, D.M.

P HB1086 Voting restrictions on the basis of race. Repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race. This bill is identical to SB 555.

Patron - Price

P HB1103 Ranked choice voting; elections for local governing bodies; local option pilot program. Provides that

elections for local governing bodies may be conducted by ranked choice voting, which the bill defines as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. 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, 2021, and sunsets on July 1, 2031.

Patron - Hudson

P HB1210 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 five-year increments, or comparable census data, that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. The bill also allows the State Board to make available voting and election materials in any additional languages other than those required as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter. The bill has a delayed effective date of September 1, 2021.

Patron - Tran

P HB1238 Elections; political campaign advertisements; print media requirements. Changes the requirement that print media disclosures be displayed in a minimum font size of seven point to a requirement that such disclosures be displayed in a font size proportionate to the size of the advertisement. The bill tasks the State Board of Elections with creating standards for meeting the requirement that disclosure statements be displayed in a conspicuous manner in a size proportionate to the size of the advertisement and requires such standards to be promulgated no later than July 1, 2021, with enforcement delayed until January 1, 2024. The provisions of the bill affecting regulants also have a delayed effective date of

January 1, 2024. Print media advertisements paid for or distributed prior to July 1, 2024, will not be subject to the State Board of Elections regulations promulgated pursuant to the bill.

Patron - Wilt

P HB1255 Standards and criteria for congressional and state legislative districts. Provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, that prohibit the drawing of districts in ways that improperly dilute minority populations' voting power. The bill prohibits maps of districts, when considered on a statewide basis, from unduly favoring or disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. This bill is identical to SB 717. This bill received Governor's recommendations.

Patron - Price

P HB1285 Local electoral boards; office vacated if board member ceases to be qualified voter of county or city. Provides that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated and such vacancy is to be filled as provided by law. The bill clarifies that a person must be a qualified voter of the county or city in order to be eligible to serve as an electoral board member of that county or city.

Patron - Wilt

P HB1362 General registrars; certification requirement; removal from office. Provides for a certification program to be conducted by the State Board of Elections for the general registrars. The bill requires each general registrar to complete the certification program and receive his certification within the 12 months following initial appointment or any subsequent reappointment; failure to do so shall result in removal from office. The State Board is authorized to grant a waiver requested by a local electoral board to extend, on a case-by-case basis, the 12-month deadline. The State Board is required to develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training. No fees shall be charged to a general registrar for any required training as part of the certification program.

Patron - Aird

P HB1402 Polling place procedures; residence address of voter not announced. Removes the requirement that the officer of election audibly repeat the residence address of a voter offering to vote. The bill provides that the officer of the election is required to verify with the voter his full name and address and to audibly repeat the voter's full name.

Patron - Ward

P HB1421 Pollbooks; requirement for printed copies of pollbooks. Requires general registrars to produce and

distribute printed copies of pollbooks to each precinct for any primary and general election. The bill also contains technical adjustments to reflect the current administrative responsibilities of the Department of Elections.

Patron - Carter

P HB1556 Political campaign advertisements; disclosures; authorization statement; name of candidate defined. Defines "name of candidate" for purposes of political advertisement disclosure requirements to mean (i) the full name of the candidate as it appears on the statement of qualification filed by the candidate or as it will appear on the ballot or (ii) the first name, middle name, or nickname of the candidate as it appears on his statement of qualification and a last name of the candidate as it appears on his statement of qualification. The bill further provides that when a disclosure statement includes the name of a campaign committee, the name must be the same as it appears on the statement of organization. The bill has a delayed effective date of January 1, 2021, and further provides that any print media advertisement paid for or distributed prior to the effective date of the bill shall not be subject to the requirements of the bill.

Patron - Watts

P HB1678 Election day; extending polling hours. Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill provides that these changes will not become effective unless reenacted by the 2021 Session of the General Assembly. The bill incorporates HB 1643.

Patron - Lindsey

P SB57 Campaign finance reports; electronic filing requirement; local and constitutional offices. Requires candidates for local and constitutional offices to file campaign finance reports by computer or electronic means. Under current law, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. The bill has a delayed effective date of January 1, 2021.

Patron - Suetterlein

P SB65 Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. 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 student identification card issued by any institution of higher education located in any other state or territory of the United States; 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 also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony pen-

alties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. The bill incorporates SB 113 and SB 123.

Patron - Locke

SB111 Absentee voting; no excuse required. 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. This bill incorporates SB 45, SB 137, SB 696, and SB 879.

Patron - Howell

SB217 Campaign finance; reporting of certain contributions received immediately prior to legislative session. Requires any single contribution of \$1,000 or more that is knowingly received or reported by a candidate for statewide office or the General Assembly during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly to be reported to and received by the State Board of Elections by January 15. The bill requires these contributions to also be reported on the first regular report following the date of the contribution.

Patron - Suetterlein

SB219 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 person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. This bill incorporates SB 278 and is identical to HB 235.

Patron - Marsden

SB316 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. This bill received Governor's recommendations.

Patron - Kiggans

SB442 Polling place activities; reorganization of sections; technical amendments. Reorganizes sections related to polling place activities and makes related technical amend-

ments. This bill is a recommendation of the Virginia Code Commission.

Patron - Edwards

SB443 Provisional voting; reorganization of sections; technical amendments. Reorganizes sections related to provisional voting and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission.

Patron - Edwards

SB444 Election recounts; reorganization of sections; technical amendments. Reorganizes sections related to election recounts. The bill makes technical amendments and is a recommendation of the Code Commission.

Patron - Edwards

SB455 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. This bill contains technical amendments and is identical to HB 238.

Patron - Reeves

SB466 Lists of registered voters; provided at no charge to courts of the Commonwealth and the United States for jury selection purposes. Directs the Department of Elections to provide, at no charge, the courts of the Commonwealth and the United States with the lists of registered voters in their districts for jury selection purposes no more than two times in a 12-month period. At any other time in the same 12-month period, the lists shall be provided for a reasonable price. This bill is identical to HB 500.

Patron - Reeves

SB469 Primary ballot; certain required statements as qualification for candidacy; failure to timely file. Provides that the name of any person who does not file his written statement of qualification or statement of economic interests by the relevant deadline, or by the end of an extension period if an extension of the deadline has been granted by the State Board of Elections, shall not be printed on the primary election ballot.

Patron - Reeves

SB555 Voting restrictions on the basis of race. Repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race. This bill is identical to HB 1086.

Patron - Spruill

SB617 Absentee voting; voter satellite offices for absentee voting in person. Authorizes the establishment of voter satellite offices by governing bodies of counties and cities for purposes of absentee voting in person. No change in any voter satellite office, including the creation of a new voter satellite office or abolishment of an existing voter satellite office, may be enacted within the 60 days immediately preceding a general election. The bill requires general registrars to post notice of the locations of all voter satellite offices within the locality, and their days and hours of operation, not later than 55 days prior to any election. Requirements for polling places, including accessibility for persons with disabilities, changes of location due to emergency circumstances, and funding, apply to voter satellite offices. The provisions of the bill are applicable to elections beginning with the general election on November 3, 2020.

Patron - Deeds

P SB666 **Voter registration; notification of denial.** Requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. This notice is required to be given in writing and by email or telephone if that information was provided by the applicant. The bill requires the registration application to request that the applicant provide his telephone number and email address. If the general registrar is able to reach the applicant by telephone, corrections may be made by the applicant by telephone. The bill contains technical amendments.

Patron - Boysko

P SB717 **Standards and criteria for congressional and state legislative districts.** Provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, that prohibit the drawing of districts in ways that improperly dilute minority populations' voting power. The bill prohibits maps of districts, when considered on a statewide basis, from unduly favoring or disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. This bill is identical to HB 1255. This bill received Governor's recommendations.

Patron - McClellan

P SB737 **Local electoral boards; office vacated if board member ceases to be qualified voter of county or city.** Provides that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated and such vacancy is to be filled as provided by law. The bill clarifies that a person must be a qualified voter of the county or city in order to be eligible to serve as an electoral board member of that county or city. This bill is identical to HB 1285.

Patron - Obenshain

P SB740 **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, and local election district. By July 1 of each year ending in one, the governing body of each county and city is required to establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. 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. A governing body that is granted a waiver to administer a split precinct or is directed to establish a precinct with fewer than the minimum number of voters is permitted to use that precinct for any election held that year. This bill incorporates SB 119 and SB 121. This bill received Governor's recommendations.

Patron - Obenshain

P SB856 **State Board of Elections; increasing membership ; Commissioner of Elections; role and eligibility; report.** Increases the membership of the State Board of Elections from three members to five members. Representation is 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 provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Persons engaging in certain partisan activities, persons related to persons engaging in certain partisan activities, and persons related to members of the State Board are prohibited from serving as the Commissioner of Elections. The bill has a delayed effective date of January 1, 2021. This bill is identical to HB 236.

Patron - Ebbin

P SB857 **Voter registration; public access not required for certain voter registration events.** Provides that a voter registration event conducted in a high school or at the location of a naturalization ceremony is not required to be open to the public. Currently, opportunities for voter registration are required to be provided at sites open to the public.

Patron - Ebbin

P SB859 **Absentee voting; emergency absentee voting by and late applications for persons hospitalized; definition of hospital.** Amends the definition of hospital, for purposes of emergency absentee voting by or late absentee ballot applications for persons who have been hospitalized, so that it is not limited to hospitals in Virginia, the District of Columbia, or a state contiguous to Virginia. The bill also removes the requirement that a person submitting a late absentee ballot application due to the hospitalization of himself or a member of his immediate family or to the death of a member of his immediate family must be absent from his county or city on election day in order to be eligible for the late absentee ballot application.

Patron - Ebbin

P SB979 **Campaign Finance Disclosure Act of 2006; applicability to nominations and elections for directors of soil and water conservation districts.** Removes the exemption to the applicability of the provisions of the Campaign Finance Disclosure Act of 2006 for directors of soil and water conservation districts, so that such candidates will be subject to campaign finance reporting requirements. The bill further provides that such a candidate may qualify for the exemption from reporting requirements if he does not solicit or accept campaign contributions and does not contribute personally to, or spend more than \$1,000 on, his campaign.

Patron - Suetterlein

Failed

F HB18 **Absentee voting; no-excuse, in-person, beginning on second Saturday immediately preceding elec-**

tion; applicability date; emergency. Provides that, beginning with the May 5, 2020, general election, no-excuse, in-person absentee voting will be available beginning on the second Saturday immediately preceding the election. The bill contains an emergency clause.

Patron - Lindsey

F HB25 Absentee voting; no excuse required. 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. This bill was incorporated into HB 1.

Patron - Lindsey

F HB57 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 - Fowler

F HB111 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 - Cole, J.G.

F HB178 Determination of tie votes; recounts; special elections. Provides that, in elections for the General Assembly and local offices, if two or more persons have an equal number of votes, and a higher number than any other person, there shall be a recount of the vote without any action being required by any of the candidates receiving the equal number of votes. The bill also provides that, except in the case of a recount of an election for Governor, Lieutenant Governor, or Attorney General, if the recount court finds that each party to the recount has received an equal number of votes, there shall be a special election held to determine which candidate is elected to the office. Only one recount of any election is permitted. This bill was incorporated into HB 198.

Patron - Levine

F HB185 Voter registration by mail; certain first-time voters permitted to vote by absentee ballot. Adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor.

Patron - Simon

F HB187 Elections; same-day registration; in-person absentee and election day voting. Provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. This bill was incorporated into HB 201.

Patron - Simon

F HB190 Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. Removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show one of the following: his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002.

Patron - Levine

F HB191 Absentee voting; counting military and overseas absentee ballots received after close of polls on election day. Provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. Under current law, such ballots cast by military and overseas absentee voters are counted in this manner regardless of the date of any postmark if the absentee ballot was requested on or before, but not sent by, the deadline for making absentee ballots available. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.

Patron - Cole, J.G.

F HB199 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 Constitution of the United States 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. This bill was incorporated into HB 177.

Patron - Price

F HB208 Elections; absentee voting by persons age 65 or older. Entitles persons who will be age 65 or older on the

date of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into HB 1.

Patron - Murphy

[F] HB209 Absentee voting; no excuse required. 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. This bill was incorporated into HB 1.

Patron - Murphy

[F] HB216 Nomination of candidates for elected offices; primary election or partisan nomination process required; restrictions on nomination method selected by political party; party identification on ballots. Requires each candidate who has been nominated by a political party or in a primary election to be identified by the name of his political party. The bill removes the restrictions on candidates for elected school boards and soil and water conservation districts from being nominated by a partisan nomination method or at a primary election. The bill further provides that a political party committee may not select a nomination method that will have the practical effect of excluding participation in the nominating process by qualified voters who are unable to attend meetings because they are (i) a member of a uniformed service, as defined in § 24.2-452, on active duty; (ii) temporarily residing outside of the United States; (iii) a student attending a school or institution of higher education; or (iv) a person with a disability.

Patron - Helmer

[F] HB319 Redistricting; population data; reallocation of prison populations. Provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. The bill provides that a person incarcerated in a correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will not be included in the population count for the locality in which the facility is located; instead, such persons shall be allocated to a state unit not tied to a specific determined geographic location in the same manner as other state residents with an unknown address are allocated. Under the current residence criteria of the U.S. Bureau of the Census, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes. The Division is directed to request such information from each agency operating a federal correctional facility in the Commonwealth, and persons incarcerated in a federal correctional facility for whom a record is not received shall be deemed to have a legal residence prior to entering custody that cannot be determined.

Patron - Levine

[F] HB468 Office of the Election Fraud Ombudsman. Establishes the Office of the Election Fraud Ombudsman (the

Office) within the Department of Elections, headed by the election fraud ombudsman, appointed by the Commissioner of Elections. The bill requires the Office to receive and investigate complaints of violations of Title 24.2 (Elections) and to cooperate with the appropriate enforcement authority to ensure enforcement of the election laws. The Office of the Attorney General retains its authority to enforce and prosecute violations of the election laws.

Patron - Keam

[F] HB541 Department of Elections; limitation on gubernatorial appointments. Provides that the Governor shall appoint only a Commissioner of Elections and shall not appoint any other persons to the Department of Elections. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

Patron - Carr

[F] HB692 Recounts; absentee ballots received after close of polls. Provides that absentee ballots that are received after the close of polls on any election day but before the time has expired for initiating a recount and that are postmarked on or before the date of the election are to be set aside for recount purposes. In the event of a recount, the determination of the votes in the recount shall be based on such absentee ballots, in addition to votes cast in the election. During the recount, only those absentee ballots cast by voters found to be entitled to vote are counted. This bill was incorporated into HB 198.

Patron - Simonds

[F] HB761 Elections; preclearance of certain covered practices required. Requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, to either (i) institute an action in the circuit court for the jurisdiction for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification that no objection exists to the enactment or administration by the covered jurisdiction of the covered practice. A covered practice cannot be given effect until the circuit court has entered such judgement or the Attorney General has issued such certification. The bill provides to a covered jurisdiction the right to appeal an objection by the Attorney General and to an aggrieved citizen the right to appeal the Attorney General's issuance of a certification of no objection. A "covered jurisdiction" is defined to mean any county, city, or town that is determined by the Attorney General to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population. The bill also defines "covered practice."

Patron - VanValkenburg

[F] HB842 Removal of public officers; petition requirements; signature requirements. Clarifies that the requirement that a petition for the removal of a public officer be signed under penalty of perjury applies only to the person or persons filing such petition with the circuit court. Registered voters signing the petition for purposes of reaching the required number of signatures shall not be required to sign under penalty of perjury. The bill also increases the required number of signatures to a number of registered voters in the locality equal to 25 percent, up from 10 percent, of the total

number of votes cast at the last election for the office, and requires the signatures to be collected within a 60-day period.

Patron - Krizek

F HB851 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

F HB878 Voter identification; signed statement in lieu of required form of identification; penalty. Permits a voter who does not show one of the required forms of identification when offering to vote to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters subject to the federal Help America Vote Act of 2002.

Patron - Sickles

F HB895 Campaign contribution limits; civil penalty. Prohibits persons and committees from making any single contribution, or any combination of contributions, that exceeds \$5,600 to any one candidate for any elected office in any one election cycle, of which no more than \$2,800 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 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 - Levine

F HB987 Abstract of votes; when required to contain accounting of absentee ballots by precinct. Provides that if any precinct in a locality has more than 25 absentee ballots cast by voters assigned to it, the abstract of votes is required to contain an accounting, by precinct, of the number of absentee ballots cast by voters assigned to each precinct in the locality.

Patron - Batten

F HB1054 Standards and criteria for congressional and state legislative districts. Provides criteria by which congressional and state legislative districts are to be drawn, including racial and ethnic fairness, protection of racial and language minorities to participate in the political process and elect a preferred candidate, contiguity, statewide proportionality, equal population, protection of existing political boundaries, compactness, respect for communities of interest, and avoidance of irregular or contorted perimeters and split precincts.

Patron - Levine

F HB1055 Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission (the Commission). The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the General Assembly may reject initial plans and provide information to the Commission regarding the reasons for rejecting such plans. The General Assembly is limited in its ability to amend plans until multiple plans have been submitted and rejected. The bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, contiguity, and compactness. Provisions to ensure public participation in the redistricting process are included.

Patron - Levine

F HB1116 Political parties; notification of adoption of primary election; certification of candidates. Directs the state political party chairmen, or their designees, to notify the Department of Elections of the party's adoption of a primary election for any office. The bill also directs state political party chairmen, or their designees, to certify to the Department of Elections the names of any candidate who has been nominated by the party through a nomination method other than a primary. Currently, these notification and certification responsibilities are shared by the state, district, and political subdivision party committee chairmen for their respective offices. The bill also provides that if a state party chairman, or his designee, fails to certify the name of a candidate for an office, the Department of Elections shall declare that there is no candidate nominated by the party for that office. The bill contains technical amendments that reflect the current administrative responsibilities of the Department of Elections.

Patron - Hudson

F HB1218 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.

The bill provides that 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

able 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 - Tran

F **HB1254 Redistricting; population data; reallocation of prison populations.** Provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in state and local correctional facilities. The bill provides that a person incarcerated in a state or local correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a state or local correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will be deemed to reside at the location of the facility in which he is incarcerated. Under the U.S. Census Bureau's current residence criteria, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes.

Patron - Price

F **HB1299 Campaign finance; prohibited personal use; child care exception.** Prohibits any person from converting any moneys, securities, or like intangible personal property contributed to a candidate or a candidate's campaign committee to his personal use, the personal use of the candidate, or the personal use of a member of the candidate's immediate family. Current law prohibits such conversion of contributions to personal use specifically with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but excepts from "personal use" the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds

to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity.

Patron - Kory

F **HB1574 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 Virginia Freedom of Information Act (§ 2.2-3700 et seq.) 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 bill requires the Council 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 a delayed effective date of July 1, 2021.

Patron - Cole, M.L.

F **HB1643 Election day; extending polling hours.** Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. This bill was incorporated into HB 1678.

Patron - Ayala

F **HB1691 Local electoral boards; certain persons prohibited from serving.** Provides that the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of any sitting

member of the General Assembly is prohibited from being a member of a local electoral board.

Patron - Poindexter

F SB25 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

F SB43 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, must be provided an electronic copy of the list.

Patron - Spruill

F SB45 Absentee voting; no excuse required. 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. This bill was incorporated into SB 111.

Patron - Spruill

F SB46 Absentee voting; application form contents. Removes the requirement that a person applying for an absentee ballot provide supporting information regarding the reason he is eligible for an absentee ballot. The applicant will still be required to provide the reason he will be absent or unable to vote at his polling place on the day of the election.

Patron - Spruill

F SB56 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.

Patron - Suetterlein

F SB74 Election day voter registration; pilot program. Requires the State Board of Elections to develop a pilot program for election day voter registration, by which a person who (i) offers to vote on election day but is not a registered voter, (ii) provides one of the allowable forms of identification specified by law, and (iii) provides proof of his residency, in a form specified by the State Board for this purpose, in the precinct in which he offers to vote, shall be permitted to register to vote and to cast a ballot. The bill provides a process by which the validity of such votes is determined. The bill requires participating localities to provide information on the implementation of the pilot program in its locality to the State Board by December 1 of each year in which it participates. The bill requires the State Board to submit a report on the pilot program to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections, including a recommendation as to whether there should be statewide election day voter registration. The bill has an expiration date of December 31, 2022.

Patron - Deeds

F SB92 Voter registration; preregistration for persons age 16 or older. Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next gen-

eral election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters.

Patron - Marsden

F SB113 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 identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. This bill was incorporated into SB 65.

Patron - Deeds

F SB119 Precincts; wholly contained within single election district. Requires each precinct to be wholly contained within a single congressional and a single state legislative district, except where splitting a precinct among two or more districts is necessary to ensure the population of each district is as nearly equal to the population of every other district as practicable. This requirement is in addition to the requirement that county, city, and town precincts established by the respective governing bodies are wholly contained within an election district used for the election of one or more members of the governing body or school board. This bill was incorporated into SB 740.

Patron - Peake

F SB121 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, and local election district. The governing body of each county and city is required to establish its precincts immediately following the completion of the decennial redistricting by the General Assembly so that each precinct is wholly contained as required. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it is required to apply to the State Board of Elections for a waiver to administer a split precinct. The State Board is authorized to grant the waiver or to direct the establishment of a precinct with less than the minimum number of registered voters as permitted by current law. This bill was incorporated into SB 740.

Patron - Barker

F SB123 Voter identification; expiration date of Virginia driver's license not considered. Provides that the expi-

ration date on a Virginia driver's license offered for voting identification purposes shall not be considered when determining the validity of the license. This bill was incorporated into SB 65.

Patron - Barker

F SB126 Method of nominating party candidates; incumbent selection. Removes the power of incumbent officeholders in some cases to insist on a primary as the method of nominating political party candidates and removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. These provisions of law were held to be unconstitutional by the United States Court of Appeals for the Fourth Circuit in *6th Cong. Dist. Republican Comm. v. Alcorn*, 913 F.3d 393 (January 9, 2019). The bill does not affect the current power of duly constituted authorities of the political party to determine the method of nominating party candidates.

Patron - Suetterlein

F SB131 Form of ballot; party identification of certain candidates; constitutional offices. 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

F SB137 Absentee voting; early voting in person without an excuse. Allows any registered voter to vote early beginning on the thirtieth 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 retains the current provisions for voting with an absentee ballot by mail during the entire absentee voting period or in person prior to the thirtieth day prior to the election, including the application requirement and the list of statutory reasons for absentee voting. This bill was incorporated into SB 111.

Patron - Stuart

F SB174 Electoral college; allocation of electoral votes. Revises the process by which the Commonwealth's electoral votes are allocated among the slates 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

F SB175 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

F SB203 Redistricting; Virginia Redistricting Commission; standards and criteria. Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis. The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint two special masters to assist in the establishment of districts, from lists submitted by the legislative leaders of the majority and minority political parties. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

Patron - Lucas

F SB204 Redistricting; role of Supreme Court of Virginia. Directs the Supreme Court of Virginia to enact rules and procedures for implementing the constitutional requirement that the Court establish congressional or state legislative districts in the event districts fail to be enacted. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint a special master to assist in the establishment of districts and authorizes the Court to adjust the date of the primary election and various related deadlines as may be necessary to allow for the establishment of districts. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

Patron - Lucas

F SB205 Campaign contribution limits; civil penalty. Prohibits persons from making any single contribution, or any combination of contributions, that exceeds \$10,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. Of the \$10,000 single contribution or any combination of contributions, no more than \$5,000 may be contributed prior to the primary election or other nominating event for the office the candidate is seeking, unless designated by the contributor as a contribution for the general election. No limits are placed on contributions made by political party committees, the candidate, or the candidate's family to the candidate's campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

Patron - Petersen

F SB241 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, protection of racial and language minorities to participate and elect a preferred candidate, contiguity, and compactness.

Patron - Barker

F SB266 Elections; campaign finance; prohibited contributions to candidates; public service corporations and affiliated interests. Provides that no candidate or candidate campaign committee shall solicit or accept a contribution from any public service corporation, any political action committee established and administered by such a corporation, any affiliated interest of such a corporation, or any political action committee established and administered by such affiliated interest.

Patron - Bell

F SB278 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 person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information

so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. This bill was incorporated into SB 219.

Patron - Barker

F SB399 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 Constitution of the United States 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 - Ebbin

F SB488 Campaign contribution limits; civil penalty. Prohibits persons from making any single contribution, or any combination of contributions, that exceeds \$20,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. No limits are placed on contributions made by political party committees, the candidate, or the candidate's family to the candidate's campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

Patron - Petersen

F SB516 Redistricting; population data; reallocation of prison populations. Provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. The bill provides that a person incarcerated in a correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will not be included in the population count for the locality in which the facility is located; instead, such persons shall be allocated to a state unit not tied to a specific determined geographic location in the same manner as other state residents with an unknown address are allocated. Under the current residence criteria of the U.S. Bureau of the Census, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility.

ity on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes. The Division is directed to request such information from each agency operating a federal correctional facility in the Commonwealth, and persons incarcerated in a federal correctional facility for whom a record is not received shall be deemed to have a legal residence prior to entering custody that cannot be determined.

Patron - Edwards

F SB535 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 district shall conform to the boundary between the localities that has been (i) agreed upon by those localities, (ii) adopted in ordinances by those localities, (iii) reported by those localities to the United States Bureau of the Census, and (iv) the population of the district as a result of the boundary adjustment is within the allowable deviation for that type of district. The bill requires the State Board of Elections to review any change of boundary to determine whether there is evidence that the change was made with fraudulent intent, and if it appears there was fraudulent intent, to refer the matter to a circuit court to approve or deny the change. If two or more localities sharing a boundary cannot agree on the true boundary line between them, the boundary shall be that which was in existence on April 1, 2011, and was reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171. The bill provides a process by which a voter who believes he has been incorrectly assigned to an election district or precinct may request and have his assignment reviewed by the general registrar and, if necessary, the governing body of the county or city.

Patron - Peake

F SB547 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 May general or June primary elections. The bill requires the governing body of a county or city applying to participate in the pilot program to submit a plan for participation that includes (i) the number of super precincts to be established in the county or city and the boundaries of such precincts and (ii) the location of vote centers to be established in each super precinct. The bill defines "super precinct" as the territory established by a county or city pursuant to the pilot program to be served by one or more vote centers and "vote center" as the structure that contains the one place provided for each super precinct at which the qualified voters who are residents of the super precinct may vote in a June primary election. The bill contains maximum criteria for any proposal for participation in the pilot program. The bill requires the State Board to report on the implementation and effectiveness of the pilot program by August 15 of any year in which one or more localities participate in the pilot program. The bill has an expiration date of December 31, 2024.

Patron - Edwards

F SB696 Absentee voting; no excuse required when voting in person; available beginning on the twenty-first day prior to election. Allows any registered voter to vote early 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 retains the current provisions for voting with an absentee ballot by mail during the entire absentee voting period or in person prior

to the twenty-first day prior to the election, including the application requirement and the list of statutory reasons for absentee voting. This bill was incorporated into SB 111.

Patron - Mason

F SB835 Municipal elections in November; council members appointed to fill vacancy ineligible to vote on ordinance to move election. Prohibits a council member appointed to fill a vacancy from voting on an ordinance to move the date of the election for council members and mayor from May to November.

Patron - Suetterlein

F SB879 Absentee voting; no excuse required. 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. This bill was incorporated into SB 111.

Patron - Locke

F SB889 Campaign contribution limits; civil penalty. Prohibits any person or campaign, referendum, or inaugural 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, federal political action, or out-of-state political 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

F SB892 Ranked choice voting; elections for local governing bodies; local option pilot program. Provides that elections for local governing bodies may be conducted by ranked choice voting, which the bill defines 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, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. 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, 2021, and sunsets on July 1, 2031.

Patron - Ebbin

F SB1082 Campaign finance; candidate contribution limits; civil penalty. Prohibits any single contribution, or any combination of contributions, that exceeds \$2,500 from

any individual or \$5,000 from any committee to any one candidate for any election. The bill permits unlimited contributions by a candidate or a candidate's family to the candidate's campaign. The bill prohibits contributions from any person that is not an individual or a committee to any candidate. The bill imposes civil penalties for violations of the limits of up to two times the excess contribution amounts.

Patron - Morrissey

Carried Over

HB26 Voter registration; close of registration records. Reduces the period of time that registration records must be closed before a general or primary election from 21 days to 13 days. The bill adjusts other deadlines to reflect this change. The period of time that the registration records must be closed before a special election remains the same.

Patron - Lindsey

HB71 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

HB177 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 Constitution of the United States 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. This bill incorporates HB 199.

Patron - Levine

HB203 Absentee voting; counting military and overseas absentee ballots received after close of polls on

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

Patron - Tran

HB215 Voter registration; preregistration for persons age 16 or older. Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters.

Patron - Lopez

HB219 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 individual who (i) is not registered to vote; (ii) is of sufficient age to register to vote; (iii) conducts a transaction with the Department of Motor Vehicles to apply for a new driver's license or special identification card or replace, renew, or update an existing driver's license or special identification card; and (iv) in the course of such transaction provides documentation demonstrating United States citizenship or answers affirmatively when asked if he is a United States citizen. Any such individual is given a printed registration notice that (a) states that the individual will be registered to vote based on the information provided and that the individual should decline registration if he does not meet eligibility requirements, (b) explains the eligibility requirements, and (c) provides instructions for how he may decline registration. The Department of Elections is required to transmit the information to the appropriate general registrar, along with any information indicating ineligibility. The Department of Elections is required to establish security requirements for transmission of information about potential registered voters and to report certain information regarding voter registration. The bill removes the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

Patron - Lopez

HB360 Elections; voter-nominated open primary elections; ranked choice voting for certain elections. Establishes a voter-nominated primary election for the offices of Governor, Lieutenant Governor, and Attorney General and for the General Assembly and the United States Senate and House of Representatives. A voter-nominated primary election is an election held for the purpose of selecting candidates to be on the ballot at a general election. All candidates, regardless of political party affiliation, are on a single ballot. The four candidates receiving the highest numbers of votes are the candidates

for that office at the general election. The bill provides that a general or special election for such offices is conducted by ranked choice voting. Ranked choice voting is the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in sequential rounds in which last-place candidates are defeated, and (iii) the candidate with the most votes in the final round is elected.

Patron - Rasoul

C **HB848 Campaign Finance Disclosure Act; unlawful conversion of political contributions to personal use; penalty.** Prohibits any person from converting any moneys, securities, or like intangible personal property that has been contributed to a candidate, a campaign committee, or a political committee to his personal use or the personal use of any other person. A contribution is considered to be converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense not related to the ordinary and necessary expenses related to seeking, holding, or maintaining public office or carrying out the ordinary activities of the committee. The bill provides that a violation of the prohibition is a Class 1 misdemeanor. Current law prohibits such conversion of contributions to personal use specifically with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill also requires the State Board of Elections to provide, upon request, formal advisory opinions regarding the permitted and prohibited uses of contributions and publish such opinions on the Department of Elections website.

Patron - Simon

C **SB166 Campaign finance; disbursement of surplus funds; prohibited conversion to personal use.** Amends the current laws regarding the disbursement of surplus funds at the dissolution of a campaign or political committee so that such restrictions would apply throughout the life of a campaign or political committee. Such restrictions include the prohibition against the conversion of any money, securities, or like intangible personal property that has been contributed to a campaign or political committee to the personal use of any person.

Patron - Saslaw

C **SB887 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 individual who (i) is not registered to vote; (ii) is of sufficient age to register to vote; (iii) conducts a transaction with the Department of Motor Vehicles to apply for a new driver's license or special identification card or replace, renew, or update an existing driver's license or special identification card; and (iv) in the course of such transaction provides documentation demonstrating United States citizenship or answers affirmatively when asked if he is a United States citizen. Any such individual is given a printed registration notice that (a) states that the individual will be registered to vote based on the information provided and that the individual should decline registration if he does not meet eligibility requirements, (b) explains the eligibility requirements, and (c) provides instructions for how he may decline registration. The Department of Elections is required to transmit the information to the appropriate general registrar, along with any information indicating ineligibility. The Department of Elections is required to establish security requirements for transmission of information about potential registered voters and to report certain information regarding voter registration. The bill removes the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

Patron - Ebbin

Eminent Domain

Passed

P **SB28 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. The bill exempts condemnation actions for easements adjudged at less than \$10,000. The bill also provides that its provisions apply only to condemnation actions filed on or after July 1, 2020. This bill received Governor's recommendations.

Patron - Petersen

P **SB31 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. The bill provides that its provisions apply only to condemnation actions filed on or after July 1, 2020. This bill received Governor's recommendations.

Patron - Petersen

P **SB951 Eminent domain; written offer to purchase property.** Requires a condemnor's written offer to purchase property prior to instituting a condemnation proceeding, and its written statement of the amount established as just compensation, to be on such condemnor's letterhead and signed by an authorized employee of such condemnor.

Patron - Obenshain

Failed

F **SB485 Eminent domain; remnants and remainders.** Repeals the provision of the Code of Virginia declaring that the acquisition of residual parcels when acquiring land for highway rights-of-way is in the public interest and is a public use. The bill provides that, upon petition of either party, the court may determine whether property remaining after a partial taking is an uneconomic remnant prior to the trial on just compensation. The bill further provides that if the court rules in favor of the owner, it may award costs and fees to be paid by the condemnor.

Patron - DeSteph

F **SB967 Eminent domain; notice of intent to file certificate.** Provides that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) that the property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate.

Patron - Cosgrove

Financial Institutions and Services

Passed

P HB10 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, nonprofit institutions of higher education, and farm credit systems 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 or notification of such payments; (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; (iii) during a period when no payment is required on a qualified education loan, maintaining account records and communicating with the qualified education loan borrower; and (iv) interacting with a student loan borrower, including conducting activities to help prevent default. 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) misapplying 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 and are prohibited practices under the Virginia Consumer Protection Act. The bill has a delayed effective date of July 1, 2021, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning March 1, 2021. This bill is identical to SB 77. This bill received Governor's recommendations.

Patron - Simon

P HB155 Banks; trust subsidiaries. Establishes a mechanism by which a subsidiary bank of a Virginia bank holding company that holds trust powers may be substituted in every fiduciary capacity for a trust subsidiary under common ownership with that bank. Such mechanism follows the existing procedures by which (i) a subsidiary bank may be substituted as fiduciary for another bank under common ownership and (ii) a trust subsidiary may be substituted as fiduciary for an owning or affiliated bank. In each case, the determination as to whether the application for substitution will be granted is made by the circuit court of the jurisdiction in which the main office of the petitioning bank or trust subsidiary is located.

Patron - Sickles

P HB789 Consumer lending. Replaces references to payday loans with the term "short-term loans." The measure caps the interest and fees that may be charged under a short-term loan at an annual rate of 36 percent, plus a maintenance fee; increases the maximum amount of such loans from \$500 to \$2,500; and sets the duration of such loans at a minimum of four months, subject to exceptions, and a maximum of 24 months. Short-term loan licensees are required to make a reasonable attempt to verify a borrower's income and may not col-

lect fees and charges that exceed 50 percent of the original loan amount if such amount is equal to or less than \$1,500 and 60 percent of the original loan amount if such amount is greater than \$1,500. The measure amends the requirements for motor vehicle title loans, including requiring licensed lenders to use a database to determine a prospective borrower's eligibility for a loan and prohibiting loans to a borrower who has an outstanding short-term loan. The measure sets a 36-percent annual interest rate cap on open-end credit plans and allows a \$50 annual participation fee. A violation of these provisions is made a prohibited practice under the Virginia Consumer Protection Act. The measure amends provisions of the Consumer Finance Act to, among other things, allow licensed lenders to use the services of access partners and establish requirements that loans be between \$300 and \$35,000; be repayable in substantially equal installment payments; have a term of no fewer than six and no more than 120 months; charge not more than 36 percent annual interest and a loan processing fee; and require licensees to post a bond. The measure prohibits credit service businesses from advertising, offering, or performing other services in connection with an extension of credit that has an annual interest rate exceeding 36 percent, is for less than \$5,000, has a term of less than one year, or is provided under an open-end credit plan. The bill has a delayed effective date of July 1, 2021, and requires any person who would be required to be licensed under the provisions of the act to apply for a license by April 1, 2021. This bill is identical to SB 421. This bill received Governor's recommendations.

Patron - Bagby

P HB813 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 shall be determined by a written policy approved by the board of directors, provided that annual compensation for an individual member does not exceed \$6,000. 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. This bill is identical to SB 296.

Patron - Ward

P HB1553 Debt settlement services providers; penalties. Provides for the licensure and regulation of debt settlement services providers by the State Corporation Commission. 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 prohibits licensees from accepting a fee from consumers prior to providing the consumers' requested debt settlement services. The requirements imposed by this measure on licensed providers of debt settlement services are similar to those applicable to agencies providing debt management plans. The measure provides for civil penalties against licensees that violate these requirements, grants consumers a private right of action against licensees, and makes a violation a prohibited practice under the Virginia Consumer Protection Act. The licensing and regulation of debt settlement services providers has a delayed effective date of July 1, 2021. The measure directs the State Corporation Commission to establish a procedure to be in effect by March 1, 2021, for any person to apply prior to July 1, 2021, for a license that will become effective when the licensing requirements of this measure become effective on July 1, 2021.

Patron - Willett

P SB77 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, nonprofit institutions of higher education, and farm credit systems 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 or notification of such payments; (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; (iii) during a period when no payment is required on a qualified education loan, maintaining account records and communicating with the qualified education loan borrower; and (iv) interacting with a student loan borrower, including conducting activities to help prevent default. 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) misapplying 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 and are prohibited practices under the Virginia Consumer Protection Act. The bill has a delayed effective date of July 1, 2021, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning March 1, 2021. This bill is identical to HB 10. This bill received Governor's recommendations.

Patron - Howell

P SB293 Financial institutions; multiple-fiduciary accounts. Provides that financial institutions may enter into multiple-fiduciary accounts with more than one fiduciary to the same extent that they may enter into fiduciary accounts with one fiduciary. The measure defines "fiduciary account" as (i) an estate account for a decedent, (ii) an account established by one or more agents under a power of attorney or an existing account of a principal to which one or more agents under a power of attorney are added, (iii) an account established by one or more conservators, (iv) an account established by one or more committees, (v) a regular trust account under a testamentary trust or a trust agreement that has significance apart from the account, or (vi) an account arising from a fiduciary relationship such as an attorney-client relationship. The measure defines "multiple-fiduciary account" as a fiduciary account where more than one fiduciary is authorized to act. The measure also allows any multiple-fiduciary account to be paid, on request, to any one or more fiduciaries, including any successor fiduciary upon proof showing that the successor fiduciary is duly authorized to act, or at the direction of any one or more of the fiduciaries.

Patron - Chafin

P SB296 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 shall be determined by a written policy approved by the board of directors, provided that annual compensation for an individual member does not exceed \$6,000. 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. This bill is identical to HB 813.

Patron - Marsden

P SB421 Consumer lending. Replaces references to payday loans with the term "short-term loans." The measure caps the interest and fees that may be charged under a short-term loan at an annual rate of 36 percent, plus a maintenance fee; increases the maximum amount of such loans from \$500 to \$2,500; and sets the duration of such loans at a minimum of four months, subject to exceptions, and a maximum of 24 months. Short-term loan licensees are required to make a reasonable attempt to verify a borrower's income and may not collect fees and charges that exceed 50 percent of the original loan amount if such amount is equal to or less than \$1,500 and 60 percent of the original loan amount if such amount is greater than \$1,500. The measure amends the requirements for motor vehicle title loans, including requiring licensed lenders to use a database to determine a prospective borrower's eligibility for a loan and prohibiting loans to a borrower who has an outstanding short-term loan. The measure sets a 36-percent annual interest rate cap on open-end credit plans and allows a \$50 annual participation fee. A violation of these provisions is made a prohibited practice under the Virginia Consumer Protection Act. The measure amends provisions of the Consumer Finance Act to, among other things, allow licensed lenders to use the services of access partners and establish requirements that loans be between \$300 and \$35,000; be repayable in substantially equal installment payments; have a term of no fewer than six and no more than 120 months; charge not more than 36 percent annual interest and a loan processing fee; and require licensees to post a bond. The measure prohibits credit service businesses from advertising, offering, or performing other services in connection with an extension of credit that has an annual interest rate exceeding 36 percent, is for less than \$5,000, has a term of less than one year, or is provided under an open-end credit plan. The bill has a delayed effective date of July 1, 2021, and requires any person who would be required to be licensed under the provisions of the act to apply for a license by April 1, 2021. This bill is identical to HB 789. This bill received Governor's recommendations.

Patron - Locke

Failed

F HB184 Open-end credit plans. Prohibits a creditor from extending credit under an open-end credit plan at an annual rate that exceeds 36 percent unless the credit is extended by the seller of personal, family, or household goods for the sole purpose of financing the purchase price.

Patron - Levine

F HB354 Financial institutions; liability when instructions of attorney-in-fact disregarded. Provides that neither an individual nor his attorney-in-fact is liable to repay a loan made by a financial institution to the individual when the individual's attorney-in-fact has requested or instructed the financial institution not to lend funds to the individual and the financial institution loans money to the individual in disregard of the request or instruction.

Patron - Davis

F HB562 Mortgage loan originators; exemption. Exempts retailers of manufactured or modular homes and employees of such retailers from the licensing and other requirements applicable to mortgage loan originators. The exemption applies if the retailer or employee (i) does not receive compensation or gain for engaging in certain activities that exceeds any compensation or gain received in a comparable cash transaction; (ii) makes certain disclosures; and (iii) does not directly negotiate loan terms with the consumer or lender.

Patron - Marshall

F HB843 Motor vehicle title loans, payday loans, consumer finance loans, and open-end credit plans; interest rate. Caps the rate of interest that may be charged on motor vehicle title loans, payday loans, and open-end credit plans at 36 percent per year. The bill prohibits a lender from charging a membership fee, participation fee, or transaction fee in connection with any such extension of credit. The bill also caps the maximum rate of interest that a licensed consumer finance company may charge on any loan at 36 percent annually and eliminates the existing provision that permits such licensees to charge any agreed-upon amount of interest on consumer finance loans over \$2,500.

Patron - Murphy

F HB1265 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 from \$15 to \$25 the amount of a bad check fee.

Patron - Carroll Foy

F HB1296 Motor vehicle title loans, payday loans, consumer finance loans, and open-end credit plans; interest rate. Caps the rate of interest that may be charged on motor vehicle title loans, payday loans, and open-end credit plans at an annual rate that is 25 percent higher than the federal funds rate in effect on the date the loan was made. The bill prohibits a lender from charging a membership fee, participation fee, or transaction fee in connection with any such extension of credit. The bill also imposes the same maximum interest rate on loans made by a licensed consumer finance company and eliminates the existing provision that permits such licensed companies to charge any agreed-upon amount of interest on consumer finance loans over \$2,500. The measure caps the allowable amount of repossession and sales fees in connection with a motor vehicle title loan; imposes restrictions on open-end lending; and prevents payday lenders and other lenders from using a credit services business license to extend credit that is for less than \$5,000, has a term of less than one year, is provided under an open-end credit plan, or has an interest rate that exceeds 36 percent per year. A violation of the open-end lending provisions is made a prohibited practice under the Virginia Consumer Protection Act.

Patron - Helmer

F HB1441 Financial institutions; small loans; penalty. Prohibits any person from making a small loan unless such person is licensed by the State Corporation Commission. The bill defines "small loan" as an unsecured loan or credit of \$5,000 or less extended to a borrower for a personal, family, household, or other noncommercial purpose pursuant to a small loan agreement. The bill also prohibits any person from engaging in the business of arranging or brokering small loans for any consumer residing in the Commonwealth without registering with the Commission. Under the provisions of the bill, a licensee may charge and collect periodic interest at any rate up to 36 percent agreed to by the parties and may also charge and collect a customary daily fee. The bill provides exemptions

for certain institutions and persons licensed by the Commission to provide consumer finance loans or motor vehicle loans.

The bill provides for qualifications for licensure, posting of a bond, financial solvency requirements, reporting requirements, and recordkeeping and retention requirements. The bill authorizes the Commission to investigate and examine applicants and licensees, to revoke or suspend licenses, to issue cease and desist orders, and to impose a civil penalty of up to \$10,000 for violations of the small loan provisions. The bill allows the Commission to refer violations to the Attorney General, and the Attorney General may seek injunctive relief and monetary damages.

Patron - Jones

F SB33 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 from \$15 to \$25 the amount of a bad check fee.

Patron - Surovell

F SB37 Open-end credit plans; civil 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 - Surovell

F SB38 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 - Surovell

F SB855 Financial institutions; small loans; penalty. Prohibits any person from making a small loan unless such person is licensed by the State Corporation Commission. The bill defines "small loan" as an unsecured loan or credit of \$5,000 or

less extended to a borrower for a personal, family, household, or other noncommercial purpose pursuant to a small loan agreement. The bill also prohibits any person from engaging in the business of arranging or brokering small loans for any consumer residing in the Commonwealth without registering with the Commission. Under the provisions of the bill, a licensee may charge and collect periodic interest at any rate up to 36 percent agreed to by the parties and may also charge and collect a customary daily fee. The bill provides exemptions for certain institutions and persons licensed by the Commission to provide consumer finance loans or motor vehicle loans.

The bill provides for qualifications for licensure, posting of a bond, financial solvency requirements, reporting requirements, and recordkeeping and retention requirements. The bill authorizes the Commission to investigate and examine applicants and licensees, to revoke or suspend licenses, to issue cease and desist orders, and to impose a civil penalty of up to \$10,000 for violations of the small loan provisions. The bill allows the Commission to refer violations to the Attorney General, and the Attorney General may seek injunctive relief and monetary damages.

Patron - Lewis

Carried Over

C HB69 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

C SB291 Mortgage brokers; prohibition on dual compensation. Clarifies the existing provisions that prohibit a licensed mortgage broker from negotiating, placing, or finding a mortgage loan that will be used to finance the purchase of residential property if the mortgage broker or its affiliate is acting as a real estate broker, agent, salesman, or firm in connection with the sale of the property that will secure the loan and receiving a commission or other thing of value for such services. Mortgage brokers who were licensed by the State Corporation Commission as of February 25, 1989, remain exempt from the prohibition if they furnish the prescribed written notice to the borrower.

Patron - Deeds

C SB785 Mortgage loan originators; exemption. Exempts retailers of manufactured or modular homes and employees of such retailers from the licensing and other requirements applicable to mortgage loan originators. The exemption applies if the retailer or employee (i) does not receive compensation or gain for engaging in certain activities that exceeds any compensation or gain received in a comparable cash transaction; (ii) makes certain disclosures; and (iii) does not directly negotiate loan terms with the consumer or lender.

Patron - Lewis

Fire Protection

Failed

F SB141 Building and fire codes; notice requirements. Requires that notice mandated by the Statewide Fire Prevention Code or the Uniform Statewide Building Code be provided to the owner of the building, structure, property, or

premises in question by the enforcement agency or local building department, respectively. Such notice may also be provided to other persons as appropriate.

Patron - Stuart

Fisheries and Habitat of the Tidal Waters

Passed

P HB653 Condemned growing beds; electronic maps. Authorizes the Commissioner of Marine Resources to provide public designation of condemned crustacea, finfish, or shellfish growing areas through the use of downloadable maps or digital interactive online maps. Current law requires that public notice be accomplished only with physical signs or markers.

Patron - Guy

P HB1375 Living shorelines; resiliency. Includes a shoreline practice that may enhance coastal resilience and attenuation of wave energy and storm surge in the definition of "living shoreline" for purposes of establishing and implementing a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines.

Patron - Hodges

P HB1448 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. 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. The bill directs the Commissioner of Marine Resources to establish a Menhaden Management Advisory Committee to provide guidance to the Commission. This bill incorporates HB 79 and is identical to SB 791. The bill contains an emergency clause. This bill received Governor's recommendations.

Patron - Plum

P SB702 Marine Resources Commission permit fees; pier application; oyster fund. Requires the submission of an application to the Marine Resources Commission for review and processing prior to the construction of a private pier by an owner of riparian land. The bill creates a nonrefundable processing fee of \$100 to accompany each such application and each application submitted to the Commission for a permit to use state-owned submerged lands. The bill increases permit fees for the use of such bottomlands from \$25 to \$100 for projects costing no more than \$10,000; increases the fees from \$100 to \$300 for projects costing more than \$10,000 but, under the bill, no more than \$500,000; and imposes a fee of \$600 for a new category of projects costing more than \$500,000. The bill increases the range of royalties for the removal of bottom material from \$0.20-\$0.60 per cubic yard to \$0.40-\$0.80. The bill authorizes the Commission to increase or decrease fees every three years for certain marine habitat applications, permits, leases, rents, and royalties at a rate no greater than the change in the Consumer Price Index. Finally, the bill establishes the Oyster Leasing, Conservation, and Repletion Programs Fund for the purpose of administering the Commission's

oyster ground leasing program and its oyster conservation and repletion program.

Patron - Mason

P SB776 Wetlands protection; living shorelines. Requires the Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of wetlands and to approve only living shoreline approaches to shoreline stabilization unless the best available science shows that such approaches are not suitable.

Patron - Lewis

P SB783 Department of Environmental Quality; carbon market participation. Authorizes the Department of Environmental Quality to participate in any carbon market for which submerged aquatic vegetation restoration qualifies as an activity that generates carbon offset credits and to enter into agreements necessary to effect such participation, including with private entities for assistance with registration and sale of offset credits. The bill requires any revenue resulting from the sale of such credits to be used to implement additional submerged aquatic vegetation monitoring, restoration, and research or to cover any administrative costs of participation in the credit market. The bill also requires the Department to hold exclusive title to credits until sold.

Patron - Lewis

P SB791 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. 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. The bill directs the Commissioner of Marine Resources to establish a Menhaden Management Advisory Committee to provide guidance to the Commission. This bill incorporates SB 157, SB 194, SB 357, SB 402, and SB 1054 and is identical to HB 1448. The bill contains an emergency clause. This bill received Governor's recommendations.

Patron - Lewis

Failed

F HB79 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission's Interstate 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. This bill was incorporated into HB 1448.

Patron - Knight

F HB448 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and admin-

istrative procedures that will be included in a regulatory framework for managing the fishery.

Patron - Guy

F HB1667 Marine Resources Commission; member occupations. Specifies occupations for the eight members of the Marine Resources Commission other than the Commissioner. The bill provides that of the eight members, two shall be commercial fishermen, two shall be marine construction contractors, two shall be participants in the aquaculture industry, and two shall be recreational fishermen. Current law requires that, to the extent possible, the eight members represent all areas of interest in Virginia's marine resources and that at least one be a commercial fisherman and one be a representative of the sport fishing industry or a recreational fisherman. The bill contains technical amendments.

Patron - Bloxom

F HB1668 Menhaden; total landings. Adjusts the annual total allowable landings for menhaden downward from 168,937.75 metric tons to 168,213.16 metric tons and provides that any portion of the coast-wide total allowable catch that is relinquished by a state that is a member of the Atlantic States Marine Fisheries Commission (the Commission) shall be redistributed to Virginia and other states according to the Commission's allocation guidelines. The bill adjusts the annual harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay downward from 87,216 metric tons to 51,000 metric tons. The bill also removes a provision that applies the amount by which certain actual Chesapeake Bay harvests fall below the harvest cap as a credit to the following year.

Patron - Bloxom

F SB157 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission's Interstate 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. This bill was incorporated into SB 791.

Patron - DeSteph

F SB158 Menhaden fishing in Chesapeake Bay prohibited. Prohibits catching menhaden with purse nets in the territorial waters of the Commonwealth lying west or within three miles of the Chesapeake Bay Bridge-Tunnel.

Patron - DeSteph

F SB194 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission's Interstate 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. This bill was incorporated into SB 791.

Patron - Cosgrove

F SB222 Harvest of menhaden after closure of fishery; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for harvesting menhaden for bait or reduc-

tion purposes after the portion of the total allowable landings for the sector in which that person holds a license has been closed.

Patron - DeSteph

F SB357 Management of the 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. This bill was incorporated into SB 791.

Patron - Cosgrove

F SB402 Menhaden fishery; allowable harvest; violation. Directs the Virginia Marine Resources Commission (VMRC) to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill directs the Commissioner of VMRC (the Commissioner) to annually set total allowable landings for menhaden in accordance with the Virginia allocation of the total allowable catch as determined by the Atlantic States Marine Fisheries Commission. The bill also directs the Commissioner to revoke the license of any person who violates their allowable harvest limit. The bill contains technical amendments. This bill was incorporated into SB 791.

Patron - Hashmi

F SB1054 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several provisions relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. The bill also provides that for the 2020 harvest season, the total allowable landings for menhaden shall be 168,213.16 metric tons, and the annual menhaden harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay shall be 51,000 metric tons. This bill was incorporated into SB 791.

Patron - Stuart

Game, Inland Fisheries and Boating

Passed

P HB173 Waterfowl blinds in locality where certain hunting prohibited. Directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which the local governing body prohibits by ordinance the hunting of birds with a firearm. This bill is identical to SB 435.

Patron - Krizek

P HB388 Special license to hunt elk. Authorizes the Board of Game and Inland Fisheries (the Board) to create a special license for hunting elk in the elk management zone that is required in addition to a general hunting license. The bill authorizes the Board to establish (i) quotas and procedures for selection to purchase a special elk license, (ii) 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, and (iii) guidelines permitting the

transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources. The bill clarifies that a separate special license to hunt elk is not required to hunt elk outside of the designated elk management zone. This bill is identical to SB 262.

Patron - Edmunds

P HB449 Unlawful hunting, fishing, or trapping; prohibition upon conviction. Provides that any person convicted of violating a hunting, fishing, or trapping law may also be prohibited by the court from hunting, fishing, or trapping for a period of one to five years.

Patron - Fowler

P HB1074 Harassing animals; certain species. Changes from "molest" to "harass" the term used in describing certain unlawful acts against animals of certain species.

Patron - Adams, D.M.

P HB1272 Hunting license; senior resident lifetime license for hunting bear, deer, and turkey. Directs the Board of Game and Inland Fisheries to provide a basic senior resident lifetime hunting license that includes both a basic hunting license and a special bear, deer, and turkey license. The license shall be available only to a resident of the Commonwealth who is 80 years of age or older and shall cost \$200.

Patron - Robinson

P HB1604 Department of Game and Inland Fisheries; boat ramp fees; exemptions. Authorizes the Department of Game and Inland Fisheries to charge a fee for the use of any facility that the Department manages and any boat ramp that the Department owns or manages. Current law authorizes such fee only for a facility that is owned by the Department. The bill adds exemptions from such fees for a person holding a valid access permit issued by the Department and any person who is a passenger in but not the owner or operator of a paddlecraft or registered vessel. The bill includes technical changes.

Patron - Fowler

P SB262 Special license to hunt elk. Authorizes the Board of Game and Inland Fisheries (the Board) to create a special license for hunting elk in the elk management zone that is required in addition to a general hunting license. The bill authorizes the Board to establish (i) quotas and procedures for selection to purchase a special elk license, (ii) 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, and (iii) guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources. The bill clarifies that a separate special license to hunt elk is not required to hunt elk outside of the designated elk management zone. This bill is identical to HB 388.

Patron - Chafin

P SB336 Special fishing permits for certain youth camps. Authorizes employees of an organized nonprofit tax-exempt youth camp that holds a special fishing permit for certain youth camps to fish without a license in public waters adjacent to property owned by the camp. Current law only authorizes camp members under 18 years of age at such camp to fish without a license.

Patron - Stuart

P SB435 Waterfowl blinds in locality where certain hunting prohibited. Directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which the local governing body prohibits by ordinance the hunting of birds with a firearm. This bill is identical to HB 173.

Patron - Surovell

P SB616 Department of Game and Inland Fisheries; name change. Renames the Department of Game and Inland Fisheries as the Department of Wildlife Resources and the Board of Game and Inland Fisheries as the Board of Wildlife Resources.

Patron - Deeds

P SB772 Transportation of bait fish for sale; penalty. Prohibits the transportation for sale outside of the Commonwealth of river herring, alewife, threadfin shad, or gizzard shad, or the carcass or any part thereof, collected from the inland waters for use as bait fish. A violation of the provisions of the bill constitutes a Class 1 misdemeanor. The bill contains an emergency clause.

Patron - Stanley

P SB774 Big game hunting; guaranteed kills prohibited; penalty. Prohibits offering for sale, selling, offering to purchase, or purchasing a hunt guaranteeing the killing of a deer, bear, or wild turkey. The bill does not prevent a landowner from leasing land for hunting. A violation is punishable as a Class 1 misdemeanor; when the aggregate of such sales or purchases, or any combination thereof, by any person totals \$500 or more during any 90-day period, such violation is punishable as a Class 6 felony.

Patron - Chafin

P SB882 Conservation police officers; external appointment. Removes a provision prohibiting the Director of the Department of Game and Inland Fisheries from making an external appointment for any sworn law-enforcement position above the rank of conservation police officer. Current law requires that all promotions within the Department's sworn ranks be made from among existing sworn conservation police officers.

Patron - Locke

P SB987 Hunting waterfowl; duck blinds. Prohibits hunting or shooting migratory waterfowl in the public waters of the Commonwealth from a boat, float, raft, or other buoyant craft or device within 150 yards of a residence without the consent of the landowner, except when in active pursuit of a visibly crippled waterfowl that was legally shot by the person. The bill requires a person hunting waterfowl or applying to license a stationary blind in public waters to also have a state and federal duck stamp.

Patron - Stuart

Failed

F HB507 Release of balloon prohibited; civil penalty. Prohibits any person, with certain exceptions, from knowingly releasing or causing to be released any balloon outdoors and provides that any person convicted of a violation shall be liable for a civil penalty of not less than \$250 or more than \$2,500, to be paid into the Litter Control and Recycling Fund. A court may, as an alternative to imposing the penalty, require the performance of at least 10 hours of community service in litter abatement activities. Current law prohibits a person from releasing 50 or more balloons within an hour and sets the civil

penalty at \$5 per balloon, with the proceeds deposited into the Lifetime Hunting and Fishing Endowment Fund.

Patron - Guy

F HB963 Bear damaging crops; kill permit. Requires the Director of the Department of Game and Inland Fisheries to authorize the killing of bear when they are found to be responsible for damaging crops, including during a harvest. The bill prohibits the Director from authorizing nonlethal control measures unless they are specifically requested by the owner or lessee of the land where the crop damage occurred.

Patron - Webert

F HB1016 Offshore energy resources; moratorium on offshore oil and gas development. Prohibits any form of leasing for purposes of exploration, development, or production of oil or gas in Virginia's territorial sea, which encompasses the waters within three nautical miles wide adjacent to Virginia's coast. The measure prohibits state agencies from leasing, or from authorizing or permitting the construction or location of a structure upon, over, or under, any of the submerged and submersible lands within the limits of the territorial sea for the exploration, development, or production of oil or gas. The measure also removes from the Virginia Energy Plan provisions that state that it is the policy of the Commonwealth to support federal efforts to determine the extent of oil and natural gas resources 50 miles or more off the Atlantic shoreline and to permit the production and development of oil and natural gas resources 50 miles or more off the Atlantic shoreline. This bill was incorporated into HB 706.

Patron - Guy

F HB1188 Bear hunting license; inclusion in license to hunt deer and turkey. Directs the Board of Game and Inland Fisheries to include the ability to hunt bear in the existing license to hunt deer and turkey. Current law provides that the standard big game license shall include only deer and turkey if the Board has exercised its discretion to create a separate license for hunting bear alone. The bill contains technical amendments.

Patron - Wampler

F HB1282 License to hunt, trap, or fish; exemption for member of federally recognized tribe. Exempts any member of a federally recognized Indian tribe who resides in Virginia from the requirement to obtain a license to hunt, trap, or fish. Current law exempts from the requirement any Indian who resides on a reservation or a member of a Virginia-recognized tribe who resides in the Commonwealth. The bill contains technical amendments.

Patron - Hodges

F HB1307 Hunting laws; novice booklet. Directs the Department of Game and Inland Fisheries to develop and publish in print or on its website or both and update on at least an annual basis a booklet intended for use by novice hunters that may be called "How to Hunt." The bill provides that the booklet will explain applicable federal, state, and local hunting laws and regulations according to the hunter's location, season, time of day, and weapon and other relevant factors as determined by the Department.

Patron - Walker

F HB1357 Sale of wildlife mounts permitted. Exempts from the prohibition against selling wild animals any Virginia resident selling a wildlife or fish mount that was taken legally and that underwent the taxidermy process legally.

Patron - LaRock

F HB1470 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. The bill satisfies the reenactment requirement of Chapter 830 of the Acts of Assembly of 2019.

Patron - Head

F HB1471 Firearms ordinances; property in multiple localities; affirmative defense. Provides that a hunter on private property that is owned by a particular landowner and spans two or more localities with differing firearms ordinances shall have an affirmative defense to a charge of violating such an ordinance in the second locality if he was in compliance at all times with the counterpart ordinance in the first locality.

Patron - Head

F HB1632 Hunting on Sunday; public lands. Removes the requirement that a person who is hunting on a Sunday do so only on private property. The bill broadens an exception to the prohibition against hunting or killing with a gun, firearm, or other weapon any wild bird or wild animal, including any nuisance species, on a Sunday.

Patron - Edmunds

F SB335 Hunting and fishing license; military service. Authorizes any resident who is on active duty with, has been honorably discharged after at least six months of service in, or has retired from any branch of the United States Armed Forces to apply for and receive a sportsman's hunting and fishing license for 75 percent of the fee.

Patron - Stuart

F SB459 Hunting and fishing licenses; veterans and active duty service members. Authorizes any resident veteran or active duty service member to obtain at no cost a nontransferable license, valid for life, permitting the veteran or active duty service member to hunt and freshwater fish in the Commonwealth. Current law authorizes only a resident, disabled veteran to obtain such a license for no cost. The bill also authorizes a nonresident active duty service member to obtain such license for \$250.

Patron - Reeves

F SB509 Local hunting and firearm regulation. Prohibits any city or county east of the Interstate 95 corridor from prohibiting otherwise lawful hunting of migratory game birds in the jurisdictional waters of the Commonwealth and provides that no stake or stationary waterfowl blind that is erected in such public waters shall be located less than 150 yards from any occupied residence, church, or commercial building, unless the owner gives written permission to locate the blind or stake closer to the residence, church, or commercial building.

Patron - Reeves

F SB886 Hunting with dogs; retrieval and trespass; discharge of firearm on road; civil and criminal penalties. Prohibits a dog owner from allowing his dog to run at large on the property of another after the landowner has given notice to the dog owner to keep dogs off the property. The bill provides for a civil penalty of \$100 per dog enforced by animal control, conservation police, and other law-enforcement officers and a civil penalty of \$250 per occurrence for a second or subsequent occurrence. The bill contains an exception to the penalty if the dog's owner or custodian releases the dog on property measur-

ing 500 acres or more that is owned or leased by him or on which he has written permission to hunt.

The bill provides that the release of a hunting dog on a public road or on either side of such road within 100 feet of the centerline is a Class 4 misdemeanor. The bill also requires a hunter of game other than fox or raccoon, when going on prohibited lands to retrieve his dog, to obtain the permission of the owner or occupant of the property before entering such prohibited lands. A violation of such is a Class 4 misdemeanor.

Finally, the bill makes it a Class 4 misdemeanor to discharge a firearm or bow within 75 feet of either side of the centerline of a road. Current law prohibits such discharge in or across any road, within the right-of-way thereof, or in a street of any city or town. The bill includes technical changes.

Patron - Marsden

Carried Over

C SB318 Release of balloons; prohibition. Reduces the number of balloons per hour that a person may release without penalty from 49 to one.

Patron - Kiggans

General Assembly

Passed

P HB105 Congressional and state legislative districts; written descriptions of boundaries not required. Removes the requirement that the Division of Legislative Services prepare written descriptions of the boundaries of congressional and state legislative districts. The bill does not affect provisions under current law that district boundaries are legally defined by the county and city boundaries reported in the decennial Census reports and by reference to precincts, parts of precincts, and census blocks listed in the Statistical Reports for each district.

Patron - Lindsey

P HB1011 Virginia Conflict of Interest and Ethics Advisory Council; powers and duties; guidance; redaction of email addresses. Clarifies that the Virginia Conflict of Interest and Ethics Advisory Council may give guidance to constitutional officers and legislators regarding the prohibition on representing clients before their agency for one year after leaving office. The bill also requires the Council and the clerks of local governing bodies and school boards to redact email addresses from disclosure forms prior to releasing them to the public. Current law requires such entities to redact any residential address, personal telephone number, or signature.

Patron - Herring

P HB1056 Commission on Wellness and Opportunity established. Creates the 23-member Commission on Wellness and Opportunity in the legislative branch to study and make recommendations relating to establishing the mission and vision of what health and wellness means for Virginia by examining various dimensions of health and wellness, including but not limited to physical, intellectual, emotional, spiritual, environmental, and social wellness, and utilizing the comprehensive theoretical framework of "the social determinants of health"; identifying and defining measurable opportunities and outcomes that build community competence around well-being; and making policy recommendations for improving the quality of life for the people of the Commonwealth.

The Commission shall meet at least quarterly. The bill provides that the Commission will sunset on July 1, 2025.

Patron - Adams, D.M.

P HB1626 Capitol Police; concurrent jurisdiction. Provides that a Capitol Police officer who is a detector canine handler has concurrent jurisdiction with the law-enforcement officers of another jurisdiction that has requested the assistance of the Capitol Police in the detection of firearms, ammunition, explosives, propellants, or incendiaries. This bill is identical to SB 996.

Patron - Bourne

P SB130 Commission on Electric Utility Regulation. Postpones the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2020, to July 1, 2022.

Patron - Norment

P SB177 Autism Advisory Council; sunset. Extends the sunset provision of the Autism Advisory Council from July 1, 2020, to July 1, 2022.

Patron - Hanger

P SB586 Auditor of Public Accounts; duties; Commonwealth Data Point. Updates terminology and changes the level of information provided on the Commonwealth Data Point website in the areas of (i) total fiscal revenues and spending, (ii) population estimates, (iii) student enrollment, and (iv) taxable income. The bill also removes requirements to include information that is outdated or unavailable, including the total number of households in the state and the comparison of revenues computed on a per capita basis and as a percentage of personal income.

Patron - Dunnivant

P SB587 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 14 members by adding two additional House appointments and two additional Senate appointments. The bill also clarifies the scope of the review required by the Commission to include not only economic development projects, but also potential film and episodic television projects, while providing that projects only involving existing tax incentives currently available to any qualified tax payer shall not require review. Materials regarding the potential project shall be provided to the staff of the House Committee on Appropriations and Senate Committee on Finance and Appropriations five business days in advance of the Commission's review meeting. This bill incorporates SB 970.

Patron - Hanger

P SB888 Commission on School Construction and Modernization established; report. Establishes the Commission on School Construction and Modernization for the purpose of providing guidance and resources to local school divisions related to school construction and modernization and making funding recommendations to the General Assembly and the Governor. The bill sunsets on July 1, 2026, with a provision that if the Commission does not receive funding in the appropriation act after its first year, it will sunset on July 1 of the following year.

Patron - McClellan

P SB957 Commission on Civic Education; sunset and funding; membership. Repeals the sunset provision for the Commission on Civic Education and repeals a prohibition on the use of general funds to support the work of the Commis-

sion. The bill also increases and adjusts the makeup of the Commission's membership.

Patron - Marsden

P SB996 Capitol Police; concurrent jurisdiction. Provides that a Capitol Police officer who is a detector canine handler has concurrent jurisdiction with the law-enforcement officers of another jurisdiction that has requested the assistance of the Capitol Police in the detection of firearms, ammunition, explosives, propellants, or incendiaries. This bill is identical to HB 1626.

Patron - Edwards

Failed

F HB381 Redistricting; Virginia Redistricting Commission; local redistricting commissions. Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact a rule by March 1, 2021, establishing a procedure for implementing this requirement.

Additionally, the bill requires the establishment of local redistricting commissions in each county, city, and town in which members of the governing body are elected from districts or wards and other than entirely at large. These commissions will each consist of four commissioners appointed by the governing body, with equal representation given to the political parties having the highest and next highest number of votes in the

Commonwealth for Governor at the last preceding gubernatorial election.

The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

Patron - Cole, M.L.

F HB613 Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities; sunset. Extends from July 1, 2020, to July 1, 2022, the sunset date for the Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities.

Patron - Miyares

F HB627 General Assembly; legislation increasing regulation or establishing initial regulation of a profession or occupation; required evaluation by Board for Professional and Occupational Regulation. Provides that whenever a legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of a profession or occupation is filed during any session of the General Assembly, the chairman of the committee to which the bill is referred is required to request the Board for Professional and Occupational Regulation to prepare an evaluation of the legislation using the statutory criteria for professional and occupational regulation. The bill removes the current requirement that the Division of Legislative Services identify and forward to the Board bills requiring such evaluation. The bill requires the Board to submit its evaluation to the appropriate Clerk within 10 months for transmittal to the patron of the bill and the chairman of the committee to which the bill was referred.

Patron - Campbell, R.R.

F HB758 Redistricting; Virginia Redistricting Commission; standards and criteria. Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by

which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis. The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint two special masters to assist in the establishment of districts, from lists submitted by the legislative leaders of the majority and minority political parties. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

Patron - VanValkenburg

F HB877 Redistricting; Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission (the Commission) pursuant to proposed amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods. Provisions to ensure public participation in the redistricting process are included. If efforts to

establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to appoint a special master to draw the maps for the establishment of the districts.

The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

Patron - Sickles

F HB1256 Redistricting; Virginia Redistricting Advisory Commission; standards and criteria. Establishes the Virginia Redistricting Advisory Commission (the Commission), a statutory legislative commission tasked with proposing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly that adhere to certain constitutional and statutory criteria and that will be submitted for consideration and adoption by the General Assembly. The Commission will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis.

The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility.

Provisions to ensure public participation in the redistricting process are included, including requirements that meetings are video recorded and transcribed and the archived videos and transcripts be made available on the Commission's website. The bill also requires a series of public hearings to be conducted prior receipt of Census data and at least public hearings

to be held prior to voting to submit any plan to the General Assembly.

The General Assembly may reject initial plans developed by the Commission and provide information to the Commission regarding the reasons for rejecting such plans. The General Assembly is limited in its ability to amend plans until multiple plans have been submitted and rejected.

Patron - Price

F HB1320 Demographic statements for bills; preparation by JLARC. Permits, beginning October 1, 2020, the Speaker of the House of Delegates, the Minority Leader of the House of Delegates, the Majority Leader of the Senate, and the Minority Leader of the Senate to request that a demographic statement, defined in the bill as a statement that uses available data to outline the potential effects of a bill on specified demographic disparities within the Commonwealth, including a statement of whether the bill is likely to increase or decrease such disparities, to the extent that such data is available, be prepared by the Joint Legislative Audit and Review Commission. Each requester may request the preparation of up to five demographic statements per regular session of the General Assembly. If a bill for which a demographic statement is prepared is introduced, the demographic statement shall be made available to the public.

Patron - Aird

F HB1645 Redistricting; Virginia Citizens Redistricting Commission. Establishes the Virginia Citizens Redistricting Commission (the Commission), a 10-member commission responsible for proposing legislative and congressional districts following a decennial census, to be submitted to and approved by the General Assembly. A selection committee consisting of five retired judges of a circuit court in Virginia, selected by the Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate from a list compiled by the Chief Justice of the Supreme Court of Virginia, is tasked with adopting a process by which registered Virginia voters may apply to serve on the Commission and selecting from the applicants a list of 22 candidates. The bill requires five of the candidates to be voters who affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, five candidates to be voters who affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and 12 candidates to be voters who do not affiliate with any political party. The Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate then strike names from the list until there is the final list of 10 Commission members, three of whom affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, three of whom affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and four of whom do not affiliate with any political party. To be submitted to the General Assembly, a proposed plan is required to receive an affirmative vote of seven of the 10 Commission members, including at least one vote from each of the political parties represented. Initial plans submitted to the General Assembly are not subject to amendment, but if submission of subsequent plans is necessary, such plans may be amended in the same manner as other bills.

Patron - Levine

F HJ100 Establishing a schedule for the conduct of business for the prefilig period of the 2021 Regular Session of the General Assembly of Virginia. Establishes a

schedule for the conduct of business for the prefiling period of the 2021 Session of the General Assembly of Virginia.

Patron - Herring

[F] SB108 Virginia State Justice Commission; purpose; membership. Renames the Virginia State Crime Commission as the Virginia State Justice Commission. The bill also expands the purpose of the Commission to include studying, reporting, and making recommendations in the areas of diversion, rehabilitation, reentry, collateral consequences of conviction, and equity and fairness in the criminal legal system. The bill reduces from six to three the number of House of Delegates members and adds to the Commission the executive director of the Virginia Indigent Defense Commission or his designee, the Superintendent of State Police or his designee, and one nonlegislative citizen member to be appointed by the Secretary of Public Safety and Homeland Security with an expertise in offender rehabilitation, reform, and reentry.

Patron - Surovell

[F] SB188 Legislation affecting local government expenditures and revenues. Requires legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly. If a standing committee of the General Assembly to which a bill is referred that was not introduced by December 15 determines that a bill has a negative local fiscal impact, the bill shall be rereferred to the House or Senate Committee on Rules as appropriate. If the Committee on Rules determines that there is a negative local fiscal impact, the bill shall be ruled out of order. The bill also requires the Commission on Local Government to work with the Virginia Association of Counties and the Virginia Municipal League to develop processes and procedures for a review of fiscal impact of legislation.

Patron - Peake

[F] SB400 Virginia Data Commission; report. Establishes the Virginia Data Commission as a permanent legislative commission. The Commission will study, report, and make recommendations on all areas of data governance and analytics in the Commonwealth to ensure that Virginia is a national leader in data-driven policy and evidence-based decision making. The Commission will develop standards, guidelines, and best practices related to data and will seek to coordinate agency efforts to prevent duplication of data and efforts. The Commission will report annually to the Governor and the General Assembly.

Patron - Dunnivant

[F] SB655 Consideration of bills that create immunity from civil liability for physical injuries or death caused to a person. Requires that any bill that creates immunity from civil liability for physical injuries or death caused to a person include an appropriation of \$50,000 to the Department of Medical Assistance Services for the provision of medical assistance services as a condition of consideration by the General Assembly. The bill requires that the \$50,000 appropriation be included in a final enactment clause to such bill that creates immunity and requires the Department of Planning and Budget, in conjunction with other state agencies, to ensure that the fiscal impact statement for such bill states that the bill creates immunity from civil liability for physical injuries or death caused to a person.

Patron - Surovell

[F] SB970 MEI Project Approval Commission; membership. Adds two additional members of the Senate to the

MEI Project Approval Commission, for a total of five members of the Senate. This bill was incorporated into SB 587.

Patron - Howell

[F] SB975 Redistricting; Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, contiguity, compactness, racial and ethnic fairness, respect for existing political boundaries, and respect for existing communities of interest. The bill prohibits districts from being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. Provisions to ensure public participation in the redistricting process are included.

If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint a special master to assist in the establishment of districts and authorizes the Court to adjust the date of the primary election and various related deadlines as may be necessary to allow for the establishment of districts.

The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

Patron - Hanger

F SB986 Fiscal impact statements. Requires the Department of Planning and Budget (the Department) or an agency designated by the Department to prepare a fiscal impact statement for any bill and any amended version of a bill, except the Budget Bill and debt bills, that increases or decreases the total revenue available for appropriation or that establishes a new state program or initiative requiring an appropriation. The fiscal impact statement would include analysis of (i) the fiscal impact estimates, (ii) the impact on any state entity affected by the revenue increase or decrease or charged with administering the new program or initiative, (iii) the potential costs to citizens in terms of increased taxes, and (iv) any other information the Department or its designee deems appropriate. The bill also provides for each fiscal impact statement to be reviewed by the appropriate staff of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations prior to being heard by the standing committee to consider the legislation.

Patron - Peake

Carried Over

C HB92 Virginia State Justice Commission; purpose; membership. Renames the Virginia State Crime Commission as the Virginia State Justice Commission. The bill also expands the purpose of the Commission to include studying, reporting, and making recommendations in the areas of diversion, rehabilitation, reentry, collateral consequences of conviction, and equity and fairness in the criminal legal system. The bill reduces from six to three the number of House of Delegates members and adds to the Commission the executive director of the Virginia Indigent Defense Commission or his designee, the Superintendent of State Police or his designee, and one nonlegislative citizen member to be appointed by the Secretary of Public Safety and Homeland Security with an expertise in offender rehabilitation, reform, and reentry.

Patron - Hope

C HB124 Virginia Minority Business Commission; report. Establishes a 13-member legislative Commission to promote the growth and competitiveness of Virginia minority-owned businesses. The bill provides that the Commission sunsets on July 1, 2023.

Patron - Miyares

C HB182 General Assembly meetings; streaming and recording. Requires the Clerk of the House of Delegates and the Clerk of the Senate to ensure that every (i) subcommittee or committee meeting of a standing committee of the General Assembly, regardless of meeting date, and (ii) floor session of the House of Delegates or the Senate, including any joint session of the houses, is streamed with closed captioning, recorded and archived. The bill defines "stream" and specifies that a qualifying meeting is one the date and time of which have been scheduled on a public website of any agency of the General Assembly for at least one hour prior to the meeting and that takes place in the State Capitol, the Pocahontas Building, or the General Assembly Building in Richmond. The bill has a delayed effective date of October 1, 2020.

Patron - Levine

C HB553 Policies against workplace harassment; legislative branch. Requires each legislative branch agency to adopt and implement the Commonwealth Workplace Harassment 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 when 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, 2020. 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 contains a reenactment clause and has a delayed effective date of January 1, 2022.

Patron - Watts

C HB1010 Criminal fiscal impact statements. Provides that no bill resulting in an increase in net periods of imprisonment or commitment shall be (i) reported from a standing committee of the House of Delegates or the Senate or (ii) passed by the House of Delegates or the Senate unless a fiscal impact statement for the current version of the bill has been prepared and is printed on the face of the bill or reported or passed as an amendment to such bill. Current law requires such fiscal impact statements to be prepared and the amount of the estimated appropriation reflected in the fiscal impact statement to be printed on the face of each bill.

The bill clarifies the ability of the Division of Legislative Services to forward an advance copy of such bills to the Virginia Criminal Sentencing Commission for the preparation of such fiscal impact statements.

Patron - Herring

C SB150 Criminal fiscal impact statements. Provides that no bill resulting in an increase in net periods of imprisonment or commitment shall be (i) reported from a standing committee of the House of Delegates or the Senate or (ii) passed by the House of Delegates or the Senate unless a fiscal impact statement for the current version of the bill has been prepared and is printed on the face of the bill or reported or passed as an amendment to such bill. Current law requires such fiscal impact statements to be prepared and the amount of the estimated appropriation reflected in the fiscal impact statement to be printed on the face of each bill.

The bill clarifies the ability of the Division of Legislative Services to forward an advance copy of such bills to the Virginia Criminal Sentencing Commission for the preparation of such fiscal impact statements.

Patron - Howell

General Provisions

Passed

P HB491 Department of Agriculture and Consumer Services; industrial hemp industry working group; report. Directs the Department of Agriculture and Consumer Services to convene a working group to assess the opportunities for development and manufacturing in the industrial hemp industry. The Department shall report the analysis of the working group by November 30, 2020, to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

Patron - Marshall

P HB1325 Obsolete Acts of Assembly; racial inequity. Repeals numerous obsolete and discriminatory Acts of Assembly from the early 20th century. This is a recommendation of the Governor's Commission to Examine Racial Inequity in Virginia Law. The purpose of the Commission was to identify and make "recommendations to address laws that were intended to or could have the effect of promoting or enabling racial discrimination or inequity." This bill is identical to SB 636.

Patron - Bagby

P HB1521 Chapters of Acts of Assembly of previous years repealed. Repeals chapters of the Acts of Assembly of 1914, 1916, and 1920 related to the establishment and expansion of the Central State colony for "feeble-minded colored persons" and repeals a chapter of the Acts of Assembly of 1918 related to the appropriation of money for, among other things, the construction of separate sanatoria for white and non-white persons for the treatment of tuberculosis. This bill is identical to SB 850.

Patron - McQuinn

P HB1638 Institutional racial segregation and discrimination. Repeals several Acts of Assembly from 1901 to 1960 that contain provisions that implemented and enforced racial segregation and discrimination in public facilities and common carriers, on public documents, and within the office of the State Registrar. This bill is identical to SB 722.

Patron - Askew

P SB283 Official emblems and designations; state opry. Designates The Virginia Opry as the official opry of the Commonwealth.

Patron - Deeds

P SB636 Obsolete Acts of Assembly; racial inequity. Repeals numerous obsolete and discriminatory Acts of Assembly from the early 20th century. This is a recommendation of the Governor's Commission to Examine Racial Inequity in Virginia Law. The purpose of the Commission was to identify and make "recommendations to address laws that were intended to or could have the effect of promoting or enabling racial discrimination or inequity." This bill is identical to HB 1325.

Patron - Surovell

P SB651 Fairfax County; policemen's pension and retirement board. Increases from seven to eight the number of members on the policemen's pension and retirement board created in a county that has adopted the urban county executive form of government (Fairfax County) and increases from two to three the number of members of such board who shall be

members of such retirement system and employed by the county police department as sworn police officers and who have been elected by the members of the retirement system who are employed by the police department as sworn police officers.

Patron - Boysko

P SB722 Institutional racial segregation and discrimination. Repeals several Acts of Assembly from 1901 to 1960 that contain provisions that implemented and enforced racial segregation and discrimination in public facilities and common carriers, on public documents, and within the office of the State Registrar. This bill is identical to HB 1638.

Patron - McClellan

P SB828 Carbon-free energy and clean energy. Provides that "carbon-free energy" or "clean energy," as used in the Code of Virginia, includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy, including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, or geothermal or nuclear energy.

Patron - Lewis

P SB850 Chapters of Acts of Assembly of previous years repealed. Repeals chapters of the Acts of Assembly of 1914, 1916, and 1920 related to the establishment and expansion of the Central State colony for "feeble-minded colored persons" and repeals a chapter of the Acts of Assembly of 1918 related to the appropriation of money for, among other things, the construction of separate sanatoria for white and non-white persons for the treatment of tuberculosis. This bill is identical to HB 1521.

Patron - Locke

Failed

F HB144 Official emblems and designations; state firearm. Designates the Springfield Model 1855 Rifle-Musket as the official firearm of the Commonwealth.

Patron - Cole, M.L.

F HB529 Secretary of Health and Human Resources; contract; study of options for financing universal health care. Directs the Secretary of Health and Human Resources to enter into a contract with a qualified entity to study options for financing universal health care in the Commonwealth. The Secretary shall report the findings, conclusions, and recommendations of the qualified entity to the Governor and the General Assembly by December 1, 2020.

Patron - Samirah

F HB1007 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 December 1, 2020, to submit to the Governor and the Chairman 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, from state servers to cloud-based or hybrid server solutions by July 1, 2022.

Patron - Davis

F HB1408 Official emblems and designations; state tailgate game. Designates cornhole as the official tailgate game of the Commonwealth.

Patron - Rush

F **HB1409** **Second Amendment sanctuary status; budgeting decisions.** Prohibits the General Assembly and the executive branch of government from considering the Second Amendment sanctuary status of any locality in the Commonwealth in making any appropriation decisions.

Patron - Rush

F **HB1591** **Official emblems and designations; state firearm.** Designates the Virginia long rifle as the official firearm of the Commonwealth.

Patron - Avoli

F **SB314** **Grandfathering certain nonconforming use.** Removes the requirement that in order for a wall build on residential property to be grandfathered as a valid nonconforming use, the residential property owner must have been informed by a local official that such wall required no permit.

Patron - Stanley

F **SB344** **Senate Committee on Finance; Senate Committee for Courts of Justice; name change.** Updates the Code of Virginia by providing that any reference to the "Senate Finance Committee" or the "Senate Committee on Finance" means the Senate Committee on Finance and Appropriations and any reference to the "Senate Courts of Justice Committee" or the "Senate Committee for Courts of Justice" means the Senate Committee on the Judiciary. This bill received Governor's recommendations.

Patron - Howell

Carried Over

C **HB98** **Official emblems and designations; state song.** Designates "Virginia, the Home of My Heart" by Susan Greenbaum as the official state folk song.

Patron - Willett

C **HB592** **Official emblems and designations; state fruit.** Designates the pawpaw fruit (*Asimina triloba*) as the state fruit of Virginia.

Patron - Guzman

Health

Passed

P **HB42** **Health care providers; screening of patients for prenatal and postpartum depression; training.** Directs the Board of Medicine to annually issue a communication to every practitioner licensed by the Board who provides primary, maternity, obstetrical, or gynecological health care services reiterating the standard of care pertaining to prenatal or postnatal depression or other depression and encouraging practitioners to screen every patient who is pregnant or who has been pregnant within the previous five years for prenatal or postnatal depression or other depression, as clinically appropriate. The bill requires the Board to include in such communication information about the factors that may increase susceptibility of certain patients to prenatal or postnatal depression or other depression, including racial and economic disparities, and to encourage providers to remain cognizant of the increased risk of depression for such patients.

Patron - Samirah

P **HB97** **Newborn screening for Krabbe disease.** Directs the Department of Health to review Krabbe disease and

provide recommendations to the Board of Health regarding whether Krabbe disease should be included in newborn screening.

Patron - Miyares

P **HB180** **Records of marriages; identification of race.** Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill incorporates HB 141, HB 1158, and HB 1425 and is identical to SB 62 and SB 1066.

Patron - Levine

P **HB378** **Comprehensive harm reduction programs; public health emergency; repeal sunset.** Repeals the sunset on the program established in 2017 that allows the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include a provision for the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes. This bill is identical to SB 864.

Patron - Rasoul

P **HB479** **Death certificate; veterans; fees.** Expands list of parties eligible to obtain a free certified copy of a veteran's death certificate for service-connected benefits to include any funeral director or funeral service licensee who provides funeral services for the veteran, if so requested by the surviving spouse of the veteran.

Patron - Kilgore

P **HB586** **Commissioner of Health; study of the occurrence of PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS in the Commonwealth's public drinking water; report.** Directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks.

Patron - Guzman

P **HB661** **Secretaries of Health and Human Resources and Public Safety and Homeland Security; work group; improving response to exposure-prone incidents.** Directs the Secretaries of Health and Human Resources and Public Safety and Homeland Security to establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. The work group shall (i) develop a plan to establish an entity to assist with management of exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities and (ii) study and develop recommendations related to developing the ability to perform post-mortem testing for infection with human immunodeficiency (HIV) or hepatitis B or C viruses through the Division of Con-

solidated Laboratory Services. The work group shall report its findings to the Governor and the General Assembly by December 1, 2020.

Patron - Bell

P HB664 Exposure to a decedent's body fluids; testing. Provides that, in cases in which any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the next of kin of the deceased person shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed. Under current law, whenever a law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, consent for testing and release of the results must be obtained from the next of kin of the deceased person before testing may be initiated.

Patron - Bell

P HB666 Vital records; definitions. Expands the definition of "dead body," for the purposes of the administration of vital records and the prohibition against disposal or concealment, to include human bodies or body parts beyond the recently deceased.

Patron - Mullin

P HB687 Doulas; certification; registry. Provides that no person shall use or assume the title "state-certified doula," as defined in the bill, unless such person is a community-based doula who has received training and education as a doula from an entity approved by a body approved by the Board of Health for such purpose and been certified as a doula by a body approved by the Board of Health for such purpose and that no entity shall hold itself out as providing training and education necessary to meet the requirements for certification as a doula unless its curriculum and training program has been approved by a body approved by the Board of Health for such purpose. The bill also directs the Board of Health to adopt regulations setting forth the requirements for (i) use of the title "state-certified doula" and (ii) training and education necessary to satisfy the requirements for certification by the Department of Health as a state-certified doula.

Patron - Aird

P HB688 Community health workers; certification. Establishes requirements for use of the title "certified community health worker." This bill incorporates HB 474.

Patron - Aird

P HB763 Hospitals; notification; physical therapy. Requires the Board of Health to adopt regulations requiring hospitals to establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital.

Patron - Orrock

P HB791 Comprehensive harm reduction programs. Repeals the sunset on the authority of the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs that include the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes; allows a local health department or other organization that promotes scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors to establish comprehensive harm reduction programs, if authorized by the Commissioner of Health; and eliminates the requirement that comprehensive harm reduction programs be located in communities for which data indicates an increase in or increased risk of transmission of HIV, viral hepatitis, or other blood-borne disease as a result of injection drug use.

Patron - Plum

P HB808 Services for survivors of sexual assault. Requires every hospital in the Commonwealth to provide treatment or transfer services, as defined in the bill, to survivors of sexual assault pursuant to a plan approved by the Department of Health; establishes specific requirements for providers of services to pediatric survivors of sexual assault; and establishes the Task Force on Services for Survivors of Sexual Assault to facilitate the development of services for survivors of sexual assault. Certain provisions of the bill have a delayed effective date of July 1, 2023.

Patron - Delaney

P HB826 State plan for medical assistance; perinatal birth workers. Directs the Department of Medical Assistance Services to convene a work group to (i) evaluate the potential costs and benefits, including potential reductions in maternal and infant mortality rates, of amending the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, or postpartum services provided to a pregnant person or to a person who is up to one year postpartum for labor and delivery support by a certified doula and at least four visits during the antenatal period and at least seven visits during the postpartum period with a certified doula and (ii) develop recommendations related to an appropriate reimbursement rate for such services provided by certified doulas. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2020.

Patron - Carroll Foy

P HB902 Long-term care services and supports; preadmission screenings. Provides that every individual who applies for or requests community or institutional long-term services and supports, as defined in the state plan for medical assistance services, may choose to receive services in a community or institutional setting and may choose the setting and provider of long-term care services and supports from a list of approved providers. The bill also clarifies requirements related to the performance of such long-term care services and supports screenings. The bill removes the definition of and references to Pre-PACE. The bill directs the Department of Medical Assistance Services to consider alternative assessment tools for long-term services and supports screenings completed on or after July 1, 2021, and to report its findings and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2020. The provisions of the bill shall not become effective if they conflict with any provision of federal law or regulations or guidance issued by the

Centers for Medicare and Medicaid Services. This bill is identical to SB 902.

Patron - Sickles

P HB907 Department of Health; sickle cell anemia; adult and pediatric comprehensive sickle cell clinic network. Specifies that children be included in the voluntary program established by the Commissioner of Health, in cooperation with local health directors, for the screening of individuals for the disease of sickle cell anemia or the sickle cell trait and for other genetically related diseases and genetic traits and inborn errors of metabolism. The bill directs the Board of Health to adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network.

Patron - Hayes

P HB925 DMAS; steps to facilitate transition between two programs. Directs the Department of Medical Assistance Services (DMAS) to establish a process for (i) conducting a comprehensive needs assessment of a person who chooses to participate in the Medicaid Works program to determine the services such person may need to live and fully participate in his community and (ii) developing a plan of support for such person to guide the person in selection of the best waiver program for his needs. The bill also requires DMAS to develop processes to (a) enable a person who transitions from a Home and Community-Based Services waiver service to the Medicaid Works waiver program to retain his Home and Community-Based Services waiver slot for up to 180 days following the date of such transition and (b) give priority to individuals previously receiving services through the Home and Community-Based Services waiver program who transitioned to the Medicaid Works program and who subsequently seek to resume services through the Home and Community-Based Services waiver program.

Patron - Coyner

P HB1041 Board of Health; certificate of birth; change of sex. Requires the State Registrar to issue a new certificate of birth to show a change of sex upon request of the person and, if a certified copy of a court order changing the person's name is submitted, to include the person's new name. The bill provides that requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition but shall not include a requirement for evidence or documentation of any medical procedure. This bill is identical to SB 657.

Patron - Simon

P HB1090 Required immunizations; report. Amends the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home, or developmental center. The bill also requires the State Board of Health to amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based, routinely recommended vaccinations for children and to provide for a 60-day public comment period prior to the adoption of the regulations. In addition, the Department of Health and the Department of Education are directed to jointly review immunization requirements in the Code of Virginia and report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the effectiveness of the required vaccination program in promoting public health by

December 1, 2021. This bill received Governor's recommendations.

Patron - Hope

P HB1176 Sexual assault nurse examiners; place of practice. Requires every hospital to report quarterly to the Department of Health information regarding the number of certified sexual assault nurse examiners employed by the hospital and the location, including street address, and contact information for the location at which each certified sexual assault nurse examiner provides services. The bill also requires the Department of Health to make information regarding the availability of certified sexual assault nurse examiners in the Commonwealth, including the name of each hospital at which a certified sexual assault nurse examiner is employed, the location, including street address, of such hospital, and the contact information for such hospital, available on the Department's website.

Patron - Poindexter

P HB1257 Drinking water supplies; maximum contaminant levels. Directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency for the same contaminant. The bill directs the Department of Health to report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs by November 1, 2020, and submit a final report by October 1, 2021, detailing the MCL regulations established by the Department of Health. The bill has a delayed effective date of January 1, 2022.

Patron - Rasoul

P HB1273 Organ, eye, or tissue transplantation; discrimination prohibited. Provides that an individual who is a candidate to receive an anatomical gift for organ, eye, or tissue transplantation and who is otherwise eligible to receive such gift shall not be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation solely because of his physical, intellectual, developmental, or other disability.

The bill also prohibits each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services, from (i) denying coverage to a covered person solely on the basis of the person's disability; (ii) denying a person eligibility or continued eligibility to enroll or to renew coverage under the policy, contract, or plan for the purpose of avoiding the requirements of the bill; (iii) penalizing a health care provider, reducing or limiting the reimbursement of a health care provider, or providing monetary or nonmonetary incentives to a health care provider to

induce such health care provider to act in a manner inconsistent with the requirements of the bill; or (iv) reducing or limiting coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services. The bill applies to any such policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021. This bill is identical to SB 846.

Patron - O'Quinn

P **HB1291 Medical assistance services; managed care organization contracts with pharmacy benefits managers; spread pricing.** Requires the Department of Medical Assistance Services to require a managed care organization with which the Department enters into an agreement for the delivery of medical assistance services to include in any agreement between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. The bill defines "spread pricing" as the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services. The bill applies to agreements entered into, amended, extended, or renewed on or after July 1, 2020.

Patron - Hodges

P **HB1332 Statewide Telehealth Plan.** Directs the Board of Health to develop and implement, by January 1, 2021, and thereafter maintain as a component of the State Health Plan a Statewide Telehealth Plan (the Plan) to promote an integrated approach to the introduction and use of telehealth services and telemedicine services, as those terms are defined in the bill. The bill requires the Plan to include, among other provisions, provisions for (i) the use of remote patient monitoring services and store-and-forward technologies, including in cases involving patients with chronic illness; (ii) the promotion of the inclusion of telehealth services in hospitals, schools, and state agencies; and (iii) a strategy for the collection of data regarding the use of telehealth services.

Patron - Kilgore

P **HB1549 Certificate of public need; criteria for determining need.** Makes clear that in determining whether a public need for a proposed project has been demonstrated the State Health Commissioner shall consider the impact of the proposed project on all people to whom services may be provided and not only residents of the service area. This bill is identical to SB 279.

Patron - Hayes

P **SB62 Marriage records; divorce and annulment reports; identification of race.** Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill incorporates SB 19 and is identical to HB 180 and SB 1066.

Patron - Suetterlein

P **SB185 Nursing homes, assisted living facilities, hospice programs, and hospice facilities; possession and administration of cannabidiol or THC-A oil.** Allows nursing

home, assisted living facility, hospice program, and hospice facility employees and staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabidiol oil or THC-A oil to a resident who has been issued a valid written certification for such medication.

Patron - Dunnivant

P **SB213 Department of Medical Assistance Services; study; Personal Maintenance Allowance and impact on employment.** Directs the Department of Medical Assistance Services to establish a work group to evaluate the current Personal Maintenance Allowance amount for individuals receiving Medicaid-funded waiver services and the impact of the current Personal Maintenance Allowance amount and other income limits on the ability of Medicaid waiver service recipients to engage in meaningful work and establish and maintain independence. The work group shall report its findings and conclusions to the Governor, the General Assembly, and the Chairman of the Joint Commission on Health Care by November 1, 2020.

Patron - Favola

P **SB279 Certificate of public need; criteria for determining need.** Makes clear that in determining whether a public need for a proposed project has been demonstrated the State Health Commissioner shall consider the impact of the proposed project on all people to whom services may be provided and not only residents of the service area. This bill is identical to HB 1549.

Patron - Barker

P **SB301 Medically underserved areas; emergency medical services; medical care facilities.** Requires the Board of Health to develop regulations for when emergency medical services agencies in medically underserved areas as defined by the Board may transport patients to 24-hour urgent care facilities or appropriate medical care facilities other than hospitals. The regulations shall include provisions for what constitutes a medically underserved area, cases appropriate for transferring a patient to a medical facility other than a hospital, and other information deemed relevant by the Board.

Patron - Stanley

P **SB365 Secretary of Health and Human Resources; health care provider credentialing work group; report.** Directs the Secretary of Health and Human Resources to convene a work group of stakeholders to gather information and make recommendations on how the Commonwealth could develop or procure a statewide centralized primary source verification system that can be relied upon by the Commonwealth and its health carriers, health care providers, hospitals, and health systems for health care provider credentialing. The bill requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 15, 2020.

Patron - Dunnivant

P **SB386 Emergency Medical Services Patient Care Information System; trauma data; confidentiality.** Authorizes the State Health Commissioner to disclose certain confidential data in the Emergency Medical Services Patient Care Information System, including information, research, or medical data that identifies patients by name or address, to certain entities that seek to improve the delivery of prehospital and hospital emergency medical services, the quality of patient care, and access to medical services or to make other system improvements, if the Commissioner determines that such disclosure is necessary to develop and implement such improve-

ments. The bill requires the Board of Health to develop and approve a policy specific to the sharing of data from the Emergency Medical Services Patient Care Information System.

Patron - McPike

P SB397 Department of Health; work group; nursing home workforce. Directs the Department of Health to convene a work group to review and make recommendations on increasing the availability of the clinical workforce for nursing homes in the Commonwealth. The work group shall include stakeholder groups as appropriate. The bill directs the Department to collaborate with the Department of Health Professions, the Governor's Chief Workforce Development Advisor, and other state agencies as appropriate. The bill directs the Department to report all recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 15, 2020.

Patron - Kiggans

P SB568 Medical assistance services; managed care organization contracts with pharmacy benefits managers; spread pricing. Requires the Department of Medical Assistance Services to require a managed care organization with which the Department enters into an agreement for the delivery of medical assistance services to include in any agreement between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regard to the managed care organization's managed care plans. The bill defines "spread pricing" as the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services. The bill applies to agreements entered into, amended, extended, or renewed on or after July 1, 2020. This bill is identical to HB 1291.

Patron - Dunnivant

P SB572 Alzheimer's disease and related dementias; early detection and diagnosis; risk reduction and care planning. Provides that the Department of Health, in consultation with the Department for Aging and Rehabilitative Services, shall have the lead responsibility for taking actions to address and reduce the risks and impairments associated with Alzheimer's disease and related dementias within the Commonwealth.

Patron - Mason

P SB657 Board of Health; certificate of birth; change of sex. Requires the State Registrar to issue a new certificate of birth to show a change of sex upon request of the person and, if a certified copy of a court order changing the person's name is submitted, to include the person's new name. The bill provides that requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition but shall not include a requirement for evidence or documentation of any medical procedure. This bill is identical to HB 1041.

Patron - Boysko

P SB764 Certificate of public need. Revises the Medical Care Facilities Certificate of Public Need Program. The

bill (i) removes from the list of reviewable medical care facilities 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; (ii) removes from the definition of project 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 the addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging; (iii) creates a new process for registration of projects exempted from the definition of project by the bill; (iv) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan task force to provide recommendations related to the content of the State Health Services Plan; (v) clarifies the content of the application for a certificate; (vi) 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; (vii) requires the Commissioner of Health to condition issuance of a certificate upon the agreement of the applicant to provide care to individuals who are eligible for benefits under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), and 10 U.S.C. § 1071 et seq. and permits the Commissioner to condition the issuance of a certificate on the agreement of the applicant to provide specialty medical services in addition to existing options for conditioning certificates; (viii) requires every certificate holder to develop a financial assistance policy that includes specific eligibility criteria and procedures for applying for charity care, which shall be provided to a patient at the time of admission or discharge or at the time services are provided, included with any billing statements sent to uninsured patients, posted conspicuously in public areas of the medical care facility for which the certificate was issued and posted on a website maintained by the certificate holder; (ix) eliminates the requirement that a person willfully fail, refuse, or neglect to comply with a plan of correction to be subject to a civil penalty so that any failure, refusal, or neglecting to comply with a plan of correction may subject the person to a civil penalty; and (x) provides that the Commissioner may consider any changes in the circumstances of the certificate holder resulting from changes in the financing or delivery of health care services, including changes to the Commonwealth's program of medical assistance services, and any other specific circumstances of the certificate holder when determining whether conditions imposed on a certificate continue to be appropriate. The bill also (a) directs the Department of Health 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, 2020, and (b) 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 and 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 establish a public education and outreach program designed to improve public awareness of the certificate of public need process and the public's role in such process by January 1, 2021. The provisions of this bill are contingent on funding in a general appropriation act. This bill received Governor's recommendations.

Patron - Barker

P SB846 Organ, eye, or tissue transplantation; discrimination prohibited. Provides that an individual who is a candidate to receive an anatomical gift for organ, eye, or tissue transplantation and who is otherwise eligible to receive such gift shall not be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation solely because of his physical, intellectual, developmental, or other disability.

The bill also prohibits each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services, from (i) denying coverage to a covered person solely on the basis of the person's disability; (ii) denying a person eligibility or continued eligibility to enroll or to renew coverage under the policy, contract, or plan for the purpose of avoiding the requirements of the bill; (iii) penalizing a health care provider, reducing or limiting the reimbursement of a health care provider, or providing monetary or nonmonetary incentives to a health care provider to induce such health care provider to act in a manner inconsistent with the requirements of the bill; or (iv) reducing or limiting coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services. The bill applies to any such policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021. This bill is identical to HB 1273.

Patron - Pillion

P SB864 Comprehensive harm reduction programs; public health emergency; repeal sunset. Repeals the sunset on the program established in 2017 that allows the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include a provision for the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes. This bill is identical to HB 378.

Patron - Pillion

P SB902 Long-term care services and supports; pre-admission screenings. Provides that every individual who applies for or requests community or institutional long-term services and supports, as defined in the state plan for medical assistance services, may choose to receive services in a community or institutional setting and may choose the setting and provider of long-term care services and supports from a list of approved providers. The bill also clarifies requirements related to the performance of such long-term care services and supports screenings. The bill removes the definition of and references to Pre-PACE. The bill directs the Department of Medical Assistance Services to consider alternative assessment tools for long-term services and supports screenings completed on or after July 1, 2021, and to report its findings and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on

Education and Health by December 1, 2020. The provisions of the bill shall not become effective if they conflict with any provision of federal law or regulations or guidance issued by the Centers for Medicare and Medicaid Services. This bill is identical to HB 902.

Patron - Barker

P SB903 Hospitals; emergency treatment for substance use-related emergencies; services. Requires the Board of Health to amend regulations governing hospitals to require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary for the treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses.

Patron - Vogel

P SB913 Home hospice programs; disposal of drugs; opioids. Specifies that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids.

Patron - Vogel

P SB1066 Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill is identical to HB 180 and SB 62.

Patron - Kiggans

P SB1088 Emergency medical services agency; dissolution; return of property purchased with public funds. Provides that upon dissolution of an emergency medical services agency, any property that was in the possession of such emergency medical services agency and that was purchased using public funds shall be offered to a city or county that was served by the emergency medical services agency to be used for the public good.

Patron - Stuart

Failed

F HB141 Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill was incorporated into HB 180.

Patron - Davis

F HB227 Abortion; born alive human infant; treatment and care; penalty. Requires every physician licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and

diligence to preserve the life and health of a human infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the human infant who has been born alive to a hospital for further medical care. A physician who fails to comply with the requirements of this act is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine.

The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of a human infant who has been born alive following performance of an abortion and for the immediate reporting to law enforcement of any failure to provide such required treatment and care.

Patron - Freitas

F HB409 State plan for medical assistance services; orthotic devices. Directs the Board of Medical Assistance Services to include in the state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act a provision for the payment of medical assistance for medically necessary orthotic devices, including braces, splints, and supports, for adults enrolled in the Commonwealth's program of medical assistance services.

Patron - Delaney

F HB462 Secretary of Health and Human Resources; task force; shortage of certified sexual assault nurse examiners in the Commonwealth; report. Directs the Secretary of Health and Human Resources to establish a task force to study the shortage of certified sexual assault nurse examiners in the Commonwealth. The task force shall report its findings and conclusions, together with specific recommendations for legislative, regulatory, and budgetary actions, to the Governor and the General Assembly by December 1, 2020.

Patron - Sullivan

F HB474 Certified community health workers. Establishes requirements for use of the title "certified community health worker." This bill was incorporated into HB 688.

Patron - Guzman

F HB608 Health Enterprise Zone Program and Fund. Establishes the Health Enterprise Zone Program and Fund to target state resources to (i) reduce racial, ethnic, and geographic health disparities; (ii) improve access to health care in underserved communities; (iii) reduce hospital admission and readmission rates; and (iv) reduce health care costs in the Commonwealth. The bill establishes eligibility criteria for localities seeking designation as health enterprise zones and provides for the payment of funds from the Health Enterprise Zone Fund to designated localities for (a) implementation of strategies and interventions proposed in the application for designation as a health enterprise zone and (b) provision of education loan repayment assistance or financial assistance to defray the cost of capital improvements or equipment purchase by health care providers in the health enterprise zone, as described in the application for designation as a health enterprise zone. The bill requires the State Department of Health to report annually by December 1 to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Education and Health on the status of the Program. The bill has an expiration date of July 1, 2025.

Patron - Miyares

F HB737 Nursing home standards of care. Requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care

services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours.

Patron - Watts

F HB823 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. The bill also requires the Department to remove a person who provides written notification that he does not wish to participate in the Health Insurance Premium Payment program from such program within 30 days of receipt of such written notification.

Patron - Head

F HB879 Certificate of public need. Revises the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes from the list of reviewable medical care facilities 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; (ii) removes from the definition of project 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; (iii) creates a new process for registration of projects exempted from the definition of project by the bill; (iv) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan task force to provide recommendations related to the content of the State Health Services Plan; (v) clarifies the content of the application for a certificate; (vi) 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; (vii) requires the Commissioner of Health to condition issuance of a certificate upon the agreement of the applicant to provide care to individuals who are eligible for benefits under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), and 10 U.S.C. § 1071 et seq. and permits the Commissioner to condition the issuance of a certificate on the agreement of the applicant to provide specialty medical services in addition to existing options for conditioning certificates; (viii) requires every certificate holder to develop a financial assistance policy that includes specific eligibility criteria and procedures for applying for charity care, which shall be provided to a patient at the time of admission or discharge or at the time services are provided, included with any billing statements sent to uninsured patients, posted conspicuously in public areas of the medical care facility for which the certificate was issued and posted on a website maintained by the certificate holder; (ix) eliminates the requirement that a person willfully fail, refuse, or neglect to comply with a plan of correction to be subject to a civil penalty so that any failure, refusal, or neglecting to comply with a plan of correction may subject the person to a civil penalty; and (x) provides that the Commissioner may consider any changes in the circumstances of the certificate holder resulting from changes in the financing or delivery of health care services, including changes to the Commonwealth's program of medical assistance services, and any other specific cir-

cumstances of the certificate holder when determining whether conditions imposed on a certificate continue to be appropriate.

The bill also (a) directs the Department of Health 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, 2020, and (b) 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 an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online; and to establish a public education and outreach program designed to improve public awareness of the certificate of public need process and the public's role in such process by January 1, 2021.

Patron - Sickles

F HB968 State plan for medical assistance services; covered services. Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include provisions for dental care and eye care for adults.

Patron - Jenkins

F HB1075 Home care organizations; public disclosure of complaints. Requires the Department of Health to make available on its website information regarding all complaints received regarding home care organizations or employees thereof, including whether an investigation was conducted in response to the complaint and the Department's ultimate findings on such complaint.

Patron - Davis

F HB1094 Certificate of public need; exception; physician-owned ambulatory surgery center. Exempts physician-owned ambulatory surgery centers, as that term is defined in the bill, from the requirement of obtaining a certificate of public need before undertaking a project.

Patron - Miyares

F HB1097 Health care services; estimate of cost. Requires every hospital and every practitioner licensed by the Board of Medicine to, upon request and within three days of the receipt of such request, provide an estimate of the cost any procedure, test, or service that may be performed by the hospital or practitioner. Currently, hospitals are required to provide information about the payment amount for which a patient may be responsible to a patient scheduled to receive an elective procedure, test, or service upon request. Health care practitioners licensed by the Board of Medicine are not currently required to provide such estimates.

The bill also requires health care practitioners licensed by the Board of Medicine to provide written information about a person's ability to request an estimate of the cost of any procedure, test, or service that may be performed by the practitioner and to post such information in public areas of the location at which the practitioner provides services and on any website maintained by the practitioner.

Patron - Miyares

F HB1127 Board of Medical Assistance Services; definition of therapeutic day treatment. Directs the Board of Medical Assistance Services to revise its regulations to define "therapeutic day treatment" as a preventive mental health support available in place of partial hospitalization and reformatory care.

Patron - Davis

F HB1158 Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill was incorporated into HB 180.

Patron - Lopez

F HB1172 Electronic health records; digital format. Requires electronic health record systems to transfer data in a common file format that is suitable for electronic access and use by the receiving entity and provides that if an individual requests his health record in an electronic format from a health care entity, the health care entity shall provide such health record in a common electronic file format that is suitable for electronic access and use by the receiving entity.

Patron - Poindexter

F HB1230 Certificate of public need; determination of need. Provides that, for the purpose of determining public need for a proposed project in cases in which a provider or affiliated group of providers holds a market share of 55 percent or more for a type of service or medical care facility in a planning district, a proposed project involving the same type of service or medical care facility in the same planning district shall be presumed to be a project that fosters institutional competition that benefits the area to be served while improving access to essential health care services for all persons in the area to be served, absent evidence to the contrary. The bill also provides that, for the purpose of determining public need for a proposed project in cases in which a provider or affiliated group of providers holds a market share of 85 percent or more, the proposed project shall be deemed to be a project that fosters institutional competition that benefits the area to be served while improving access to essential health care services for all persons in the area to be served.

Patron - Heretick

F HB1387 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

F HB1404 Canadian Prescription Drug Importation Program established. Establishes the Canadian Prescription Drug Importation Program, pending federal approval and certification from the Secretary of the U.S. Department of Health and Human Services. Under the Program, the Commissioner of Health is required to designate the Department of Health, the Commissioner, or another agency or officer of the Commonwealth; a licensed drug wholesaler; or a nonprofit, nonstock corporation established by the Department as a public instrumentality exercising public and essential governmental functions to (i) import prescription drugs from Canadian suppliers and (ii) distribute the imported prescription drugs to pharmacies or pharmacists in the Commonwealth that contract with the designated entity to make the imported prescription drugs available to residents of the Commonwealth at the cost prescribed in the contract. The measure provides that only prescription drugs that have the highest potential for cost savings to the Commonwealth shall be identified for importation. The

Program will authorize the designated entity to purchase prescription drugs from a Canadian supplier and distribute the prescription drugs to pharmacists and pharmacies that are in-network under a health plan provided by a health carrier, state employee health plan or local choice plan, and the Medicaid program. Contracts between the pharmacist or pharmacy and the designated entity will set the price at which the prescription drugs are to be provided to covered individuals. The measure requires the Commissioner, by December 1, 2021, to review the proposed Program and, if the proposed Program is approved, to submit the proposed Program for federal review. The Department is also required to prepare an implementation plan, which is to be put into effect six months after the last to occur of (a) the enactment of any legislation required for the establishment of the charge or assessment to finance the Program and (b) receipt of notice that the proposed Program has been approved and certified by the Secretary of the U.S. Department of Health and Human Services.

Patron - Leftwich

F HB1405 Price transparency for prescription drugs for the treatment of diabetes; civil penalty. Requires a manufacturer of a prescription drug indicated for use in the treatment of diabetes to report certain information to the Commissioner of Health regarding the cost of such prescription drugs and to report additional information when the price of such a drug increases beyond the increase in the medical care component of the Consumer Price Index for the preceding year. The bill also requires pharmacy benefits managers to report information to the Commissioner of Health regarding any rebates negotiated with a manufacturer for such drugs. The bill provides that such information reported to the Commissioner of Health will be managed by the nonprofit organization that administers the Virginia All-Payer Claims Database. The bill provides that the Board of Health may assess a civil penalty of up to \$1,000 per week per violation, not to exceed a total of \$50,000 per violation, against a manufacturer or pharmacy benefits manager that fails, within the Board's determination, to make a good faith effort to meet a reporting deadline. In addition, the bill requires pharmacy benefits managers to register with the State Corporation Commission and authorizes the Commission to revoke the registration of any pharmacy benefits manager that fails to comply with reporting requirements specified in the bill. The Board of Pharmacy is authorized to revoke the permit or registration of any manufacturer that fails to comply with the specified reporting requirements.

Patron - Leftwich

F HB1425 Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of parties be included in divorce and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill was incorporated into HB 180.

Patron - Sullivan

F HB1456 Medical assistance services; managed care organization contracts with pharmacy providers; recoupment of direct and indirect remuneration fees. Requires the Department of Medical Assistance Services to require a managed care organization with which the Department enters into an agreement for the delivery of medical assistance services to include in any agreement between the managed care organization and an intermediary a provision prohibiting the intermediary from recouping direct and indirect remuneration fees with respect to a prescription.

Patron - Samirah

F HB1468 Secretary of Health and Human Resources; work group; information about opioid overdose and naloxone; role of public safety answering points and Poison Control Centers; report. Directs the Secretary of Health and Human Resources to convene a work group to (i) study the role of public safety answering points and regional Poison Control Centers in providing information and assistance to the public regarding opioid overdose and administration of naloxone or other opioid antagonist in emergency and nonemergency situations and (ii) develop recommendations for legislative or budget actions necessary to enhance the role of public safety answering points and regional Poison Control Centers in providing such information and assistance. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2020.

Patron - Gooditis

F HB1484 Unborn Child Protection from Dismemberment Abortion Act. Prohibits the practice of dismemberment abortion.

Patron - McGuire

F HB1489 Disease prevention and control; immunizations. Expands minimum requirements for vaccinations of school children.

Patron - Hudson

F HB1606 Hospitals; notice and consent; out-of-network providers. Requires every hospital to notify patients when any service associated with a nonemergency procedure, test, or service to be provided by the hospital will be provided by an out-of-network provider and to obtain written consent to the provision of such service by such out-of-network provider prior to performing such procedure, test, or service.

Patron - Cole, M.L.

F SB19 Records of marriages; identification of race. Eliminates the requirement that the race of married parties be included in the marriage record filed with the State Registrar. This bill was incorporated into SB 62.

Patron - Ebbin

F SB21 Provision of abortion; parental consent requirement; ultrasound requirement; hospital regulations. Removes the requirement that a pregnant minor seeking an abortion obtain either parental consent or judicial authorization. The bill removes the requirement that a pregnant woman seeking to obtain an abortion undergo a fetal transabdominal ultrasound prior to obtaining an abortion at least 24 hours prior to obtaining an abortion, or at least two hours prior to obtaining an abortion if the pregnant woman lives at least 100 miles from the facility where the abortion is to be performed. 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. This bill was incorporated into SB 733.

Patron - Saslaw

F SB300 Department of Medical Assistance Services; remote patient monitoring; rural and underserved populations. Amends the State Plan for Medical Assistance Services to require the payment of medical assistance for medically necessary and clinically effective remote patient monitoring services for rural and underserved populations, with the home as an eligible telemedicine originating site. The bill requires the Department of Medical Assistance Services to prepare and submit to the Centers for Medicare and Medicaid Services an application for such waiver or waivers as may be necessary to implement the provisions of the bill. The bill also

requires the Department to report to the Governor and the General Assembly on the status of such application or applications by October 1, 2020. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Stanley

F SB330 Certificate of public need; psychiatric beds and facilities. Removes mental hospitals and psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse from the list of medical care facilities for which a certificate of public need is required prior to initiation of a project. The bill makes clear that only facilities licensed as hospitals by the Department of Health are subject to certificate of public need requirements; removes from the definition of project the addition of a new psychiatric or substance abuse treatment service and conversion of beds in an existing medical care facility to psychiatric beds; and prohibits the conversion in an existing medical care facility of psychiatric beds to non-psychiatric beds.

Patron - Deeds

F SB413 Certificate of public need; determination of need. Provides that, for the purpose of determining public need for a proposed project in cases in which a provider or affiliated group of providers holds a market share of 55 percent or more for a type of service or medical care facility in a planning district, a proposed project involving the same type of service or medical care facility in the same planning district shall be presumed to be a project that fosters institutional competition that benefits the area to be served while improving access to essential health care services for all persons in the area to be served, absent evidence to the contrary. The bill also provides that, for the purpose of determining public need for a proposed project in cases in which a provider or affiliated group of providers holds a market share of 85 percent or more, the proposed project shall be deemed to be a project that fosters institutional competition that benefits the area to be served while improving access to essential health care services for all persons in the area to be served.

Patron - Cosgrove

F SB471 Department of Medical Assistance Services; contracts with managed care organizations; therapeutic day treatment. Directs the Department of Medical Assistance Services to amend contracts with managed care organizations to ensure that eligible individuals are not denied coverage for therapeutic day treatment.

Patron - Reeves

F SB503 Certificate of public need; conditions; civil penalty. Defines "COPN-conditioned community care" as charity care provided to indigent persons and health care services to individuals eligible for benefits under Title XIX of the Social Security Act, 42 U.S.C § 1396 et seq. and (i) requires the Commissioner of Health to condition a certificate of public need on the agreement of the applicant to provide a level of community care to patients in the applicant's service area and establish the total amount of community care necessary to satisfy the condition; (ii) provides for imposition of a civil penalty of up to \$100 per violation per day for failure to satisfy the conditions on a certificate of public need, but requires the Department of Health to waive the penalty in cases in which the certificate holder demonstrates, in accordance with regulations of the Board, that good faith efforts were made to comply with the conditions on a certificate but that the certificate holder was unable to satisfy the conditions of the certificate despite such good faith efforts; (iii) requires every certificate holder to develop a financial assistance policy that includes specific eligibility criteria and procedures for applying for

charity care, which shall be provided to a patient at the time of admission or discharge or at the time services are provided, included with any billing statements sent to a patient, posted conspicuously in public areas of the medical care facility for which the certificate was issued, and posted on a website maintained by the certificate holder; and (iv) provides that when determining whether conditions imposed on a certificate of public need should be amended in response to a request submitted by the certificate holder, the Commissioner shall consider any changes in the circumstances of the certificate holder resulting from changes in the financing or delivery of health care services, including changes to the Commonwealth's program of medical assistance services, and any other specific circumstances of the certificate holder.

The bill also requires the Department of Health to establish an expedited review for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region.

Patron - Petersen

F SB521 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 bill creates the position of Director of the Office of Medicaid Fiscal Oversight and Accountability, to be appointed by the Governor subject to confirmation by the General Assembly.

Patron - McDougle

F SB523 Certificates of public need; civil penalty. 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, urologic, or endoscopic surgery and services, subject to a civil penalty for failure or refusal to comply with certain conditions of the permit.

Patron - McDougle

F SB564 Virginia Hearing Loss Identification and Monitoring System; language development for children who are deaf or hard of hearing. Expands the responsibilities of the advisory committee of the Virginia Hearing Loss Identification and Monitoring System to include selecting language development milestones for educators and early intervention specialists for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. The bill requires the addition of at least two language experts to the advisory committee. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Edwards

F SB1081 COPN; demonstration of public need and compliance with State Medical Facilities Plan. Provides that, notwithstanding any other provision of law or regulation, an application for a certificate of public need for the introduc-

tion of a specialty-level neonatal special care service in Planning District 5 that (i) contains in the record testimony of a neonatologist, employed or contracted by an incumbent provider of neonatal special care services in the same planning district, that the proposed number of bassinets in the application is clinically appropriate for the neonatal special care service proposed and would be beneficial to health outcomes of infants born at the applicant's facility and (ii) includes the agreement of the applicant to accept standard charity care conditions on the proposed neonatal special care services shall be deemed to (a) demonstrate a public need for such proposed specialty-level neonatal special care service and (b) be consistent with the State Medical Facilities Plan.

Patron - Suetterlein

Carried Over

HB367 Donated human breast milk; payment of medical assistance. Directs the Board of Medical Assistance Services to include a provision for the payment of medical assistance for pasteurized donated human breast milk acquired from a licensed human breast milk bank and provides for the licensure and regulation of human breast milk banks by the Department of Health.

Patron - Carroll Foy

HB603 Board of Medical Assistance Services; reimbursement for services; family members. Directs the Board of Medical Assistance Services to revise its regulations governing reimbursement for individuals receiving treatment under the state plan for medical assistance and any waivers thereto to allow reimbursement of family members, including spouses, who provide qualifying services.

Patron - Freitas

HB1399 Solemn Covenant of the States to Award Prizes for Curing Diseases; compact. Establishes a compact to award prizes for curing diseases. The compact shall become effective upon enactment into law by two states.

Patron - Robinson

SB317 Inpatient psychiatric services; in-home follow-up nursing services upon discharge. Directs the State Board of Behavioral Health and Developmental Services to promulgate regulations that require each provider of inpatient psychiatric services to develop and implement a policy for linking individuals who will be discharged from inpatient psychiatric care with in-home follow-up nursing services as available, including assistance with medication management, upon discharge, which may be provided by a licensed home care organization, certified home health agency, community services board, or other appropriate service provider, allowing patient choice to the greatest extent possible in the selection of such service provider.

Patron - Kiggans

SB946 State plan for medical assistance; doulas. Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, and postpartum services provided to a pregnant person by a doula, including services for labor and delivery support and at least four visits during the antenatal period and seven visits during the postpartum period. The bill also directs the Department of Medical Assistance Services to conduct a rate study to determine appropriate reimbursement rates for doula services provided to Medicaid recipients and to report its findings to the Governor and the General Assembly by December 1, 2020.

Patron - Locke

SB983 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 located in Planning District 20 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 - Lucas

SB993 State Health Commissioner; local health director; additional degrees. Allows the State Health Commissioner and local health directors to either be physicians, as required under existing law, or possess a Doctor of Public Health degree, a Master of Public Health degree, or a doctoral degree in the area of public health as an alternative to the current requirement.

Patron - Locke

SB1050 Hospitals; custody of person subject to emergency custody order; regulations. Extends the maximum period of time during which a person may be involuntarily held pursuant to an emergency custody order from eight hours, or in some cases 12 hours, to 24 hours and requires the Board of Health to include in regulations governing hospitals a requirement that every hospital be licensed for and actually capable of accepting from law enforcement the transfer of custody of a person who is the subject of an emergency custody order.

Patron - Deeds

Highways and Other Surface Transportation Systems

Passed

HB538 Richmond Metropolitan Transportation Authority; membership. Decreases from five to four the number of members of the Richmond Metropolitan Transportation Authority appointed by the Mayor of the City of Richmond and adds to the Authority one member of the City Council of the City of Richmond appointed by the president of the Council. This bill is identical to SB 726.

Patron - Carr

HB561 Statewide prioritization process; primary evacuation routes. Requires the Office of Intermodal Planning to include in the results of screening candidate projects in the Six-Year Improvement Program whether such projects are located on a primary evacuation route.

Patron - Brewer

HB941 Department of Transportation; electronic speed indicator signs; U.S. Route 17. Requires the Commissioner of Highways to place at least six permanent electronic speed indicator signs on U.S. Route 17 near particular intersections in Fauquier County. This bill is identical to SB 557.

Patron - Webert

HB1032 Roy P. Byrd, Jr., Memorial Bridge. Designates the U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County the "Roy P. Byrd, Jr., Memorial Bridge."

Patron - Adams, L.R.

P HB1217 Department of Transportation; at-risk infrastructure; report. Directs the Department of Transportation, in collaboration with the Commonwealth Center for Recurrent Flooding Resiliency, to (i) identify roads and bridges under the jurisdiction of the Department at risk of deterioration due to flooding in Northern Virginia; (ii) develop recommendations for managing such assets; and (iii) report its findings and recommendations to the Chairs of the House and Senate Committees on Transportation by the start of the 2022 Session of the General Assembly.

Patron - Tran

P HB1414 Transportation. Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs.

The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation.

The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed.

Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles, and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment.

In Northern Virginia, the regional transportation improvement fee, used to support the Washington Metropolitan Area Transit Authority (WMATA), is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent.

The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors.

The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program. This bill incorporates HB 16 and HB 1538 and is identical to SB 890. This bill received Governor's recommendations.

Patron - Filler-Corn

P HB1438 Hampton Roads Transportation Accountability Commission; high-occupancy toll lanes on certain portions of Interstate 64. Authorizes the Hampton Roads Transportation Accountability Commission to impose

and collect tolls in high-occupancy toll lanes on certain portions of Interstate 64. The area of Interstate 64 in which such tolls may be imposed is the vicinity of the interchange of Interstate 64 and Jefferson Avenue to the interchange of Interstate 64, Interstate 264, and Interstate 664. The bill directs the Commission to enter into an agreement with the Commonwealth Transportation Board and the Department of Transportation regarding the standards for operating the facility and use of toll proceeds.

Patron - Jones

P HB1518 Compensation of counties for certain construction and improvement of primary and secondary highways. Allows the Department of Transportation to pay a locality up-front for eligible expenses related to certain transportation projects administered by the locality, instead of being reimbursed after completion of the project. The bill also removes language related to an obsolete funding formula.

Patron - McQuinn

P HB1541 Creation of the Central Virginia Transportation Authority; funding. Creates the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15. The Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel. The gas tax rates would be indexed for inflation. This bill received Governor's recommendations.

Patron - McQuinn

P HB1560 Department of Transportation; primary evacuation routes. Directs the Virginia Department of Transportation (the Department), in consultation with the Department of Emergency Management, to develop, maintain, and make publicly available a map of primary evacuation routes in the Commonwealth. The bill requires the Department to review the transportation infrastructure along such routes and submit a report with such findings and any recommended improvements to the General Assembly at least once every five years.

Patron - Brewer

P HB1586 Washington Metropolitan Area Transit Authority; allocation of funds. Provides that increases in service approved by the Washington Metropolitan Area Transit Authority Board shall not be included in the calculation of the annual increase in total operating expenses included in an approved WMATA budget.

Patron - Watts

P HB1611 Town of Dublin, highway maintenance. Adds the Town of Dublin to the list of localities authorized to receive state funds for the performance of certain highway maintenance projects.

Patron - Rush

P HB1635 Washington Metropolitan Area Transit Authority; labor organizations. Repeals enactments adopted in 2018 as part of the Washington Metropolitan Area Transit Authority (WMATA) funding bills related to bidders, offers, contractors, and subcontractors to WMATA projects located in the Commonwealth participating with labor organizations. This bill is identical to SB 995.

Patron - Lopez

P HB1705 Yielding the right-of-way to pedestrians; stopping. Clarifies the duties of vehicle drivers to stop when yielding to pedestrians at (i) clearly marked crosswalks, whether at midblock or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral

boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill also prohibits the driver of another vehicle approaching such stopped vehicle from an adjacent lane or from behind from overtaking and passing the stopped vehicle. The bill contains technical amendments.

Patron - Kory

P HB1726 Hampton Roads Regional Transit Program. Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. This bill is identical to SB 1038. This bill received Governor's recommendations.

Patron - Askew

P SB557 Department of Transportation; electronic speed indicator signs; U.S. Route 17. Requires the Commissioner of Highways to place at least six permanent electronic speed indicator signs on U.S. Route 17 near particular intersections in Fauquier County. This bill is identical to HB 941.

Patron - Vogel

P SB726 Richmond Metropolitan Transportation Authority; membership. Decreases from five to four the number of members of the Richmond Metropolitan Transportation Authority appointed by the Mayor of the City of Richmond and adds to the Authority one member of the City Council of the City of Richmond appointed by the president of the Council. This bill is identical to HB 538.

Patron - McClellan

P SB848 Northern Virginia Transportation Commission; report date. Changes from November 1 to December 15 the annual reporting date of the Northern Virginia Transportation Commission to the Governor and the General Assembly regarding the performance of the Washington Metropolitan Area Transit Authority.

Patron - Ebbin

P SB890 Transportation. Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed. Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles would be subject to this new

fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles, and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment. In Northern Virginia, the regional transportation improvement fee, used to support the Washington Metropolitan Area Transit Authority (WMATA), is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program. This bill is identical to HB 1414. This bill received Governor's recommendations.

Patron - Saslaw

P SB968 Maintenance and repair of relocated billboard signs. Provides for the maintenance and repair of non-conforming billboard signs.

Patron - Marsden

P SB995 Washington Metropolitan Area Transit Authority; labor organizations. Repeals enactments adopted in 2018 as part of the Washington Metropolitan Area Transit Authority (WMATA) funding bills related to bidders, offers, contractors, and subcontractors to WMATA projects located in the Commonwealth participating with labor organizations. This bill is identical to HB 1635.

Patron - Surovell

P SB1005 Corporal Ryan C. McGhee Memorial Bridge. Designates the bridge on Guinea Station Road over Interstate 95 in Spotsylvania County the CPL Ryan C. McGhee Memorial Bridge.

Patron - Reeves

P SB1038 Hampton Roads Regional Transit Program. Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. This bill is identical to HB 1726. This bill received Governor's recommendations.

Patron - Lucas

Failed

F HB283 Time limitations for highway construction and maintenance. Prohibits construction or maintenance that blocks a lane of travel on a primary or interstate highway between 6:00 a.m. and 6:00 p.m.

Patron - Cole, J.G.

F HB364 Statewide prioritization process; project selection. Requires the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMART SCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project for a radius of 55 miles.

Patron - Cole, M.L.

F HB429 Free use of toll facilities; teachers, firefighters, and emergency medical services personnel. Authorizes any teacher employed by a public school district, firefighter, or emergency medical services personnel to use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while traveling between his place of residence and his place of employment.

Patron - Scott

F HB563 Maintenance and repair of relocated billboard signs. Provides that existing provisions related to the maintenance and repair of nonconforming billboard signs do not apply to relocated billboard signs.

Patron - Marshall

F HB619 Commonwealth Mass Transit Fund; allocation to Fredericksburg Regional Transit. Requires that a minimum of \$1 million annually be allocated to Fredericksburg Regional Transit from the Commonwealth Mass Transit Fund. The funding is contingent on localities served by Fredericksburg Regional Transit continuing to support Fredericksburg Regional Transit by at least the amount of funding provided in the fiscal year beginning July 1, 2019.

Patron - Cole, J.G.

F HB620 Statewide prioritization process; project selection. Requires the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMART SCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project for a radius of 55 miles.

Patron - Cole, J.G.

F HB642 Transportation funding; statewide prioritization process. Requires the Commonwealth Transportation Board, when administering SMART SCALE, to ensure that projects are evaluated for district grant program funds and high-priority funds separately, and that the projects selected in one program do not impact the other program. The bill requires the Board to weight congestion mitigation at at least 55 percent in the Northern Virginia and Hampton Roads highway construction districts. The bill requires that projects eligible for district grant program funds receive a district-specific score and an overall score.

Patron - LaRock

F HB677 Reverse tolling on Interstate 66; toll revenue on Interstate 66 and Interstate 395. Requires the Department of Transportation, upon completion of the Interstate 66 widening project, to activate reverse tolling on Interstate 66. The bill requires all such tolls and all toll revenue collected on Interstate 66 inside the beltway and the high-occupancy toll lanes on Interstate 395 to be directed to the Northern Virginia Transportation Authority.

Patron - LaRock

F HB772 Virginia Highway Corporation Act of 1988; Department of Transportation authority. Transfers enforcement and oversight authority of the Virginia Highway

Corporation Act of 1988 from the State Corporation Commission to the Department of Transportation.

Patron - LaRock

F HB774 Commonwealth Transportation Board; revenue-sharing funds. Increases the maximum matching allocation that the Commonwealth Transportation Board may make to a locality from \$5 million to \$10 million and increases the portion of such funds that such locality may use for the maintenance of highway systems from \$2.5 million to \$5 million.

Patron - LaRock

F HB1216 State of good repair funds; bridges subject to repeated flooding. Makes bridges that are subject to repeated flooding eligible for state of good repair funding. Under current law, structurally deficient bridges and highways with deficient pavement conditions are eligible for state of good repair funds.

Patron - Tran

F HB1389 Use of transportation funds in the Commonwealth. Requires affirmative authorization by the General Assembly in an appropriation act for any funds in the Commonwealth, including local and regional funds and toll revenues, to be used for a transportation project physically located outside of the Commonwealth.

Patron - LaRock

F HB1390 Lottery funds; Rural Transportation Fund. Establishes the Rural Transportation Fund, to be funded by transferring 10 percent of annual lottery revenues in fiscal years 2020 through 2024 from the Lottery Proceeds Fund. All lottery revenues transferred to the Rural Transportation Fund shall be used solely for the purposes of funding transportation projects in (i) Planning District 1, 2, 3, 4, 5, or 6 or (ii) any locality with a population of no greater than 100,000.

Patron - O'Quinn

F HB1538 Transportation bonds; I-81. Authorizes issuance of bonds in an amount up to \$2 billion for revenue-producing projects in the Interstate 81 corridor. This bill was incorporated into HB 1414.

Patron - Austin

F HB1571 Department of Transportation; Elizabeth River Crossings. Directs the Virginia Department of Transportation to terminate the contract with Elizabeth River Crossings related to the Downtown and Midtown Tunnels across the Elizabeth River for cause due to the defective tube in the Midtown Tunnel or, if unable to terminate for cause, for convenience.

Patron - Scott

F HB1702 Department of Transportation; speed limits; Planning District 8. Requires the Virginia Department of Transportation to assess the speed limit of any road in Planning District 8 that has a speed limit of 55 miles per hour and has an intersection within 1,000 feet of any public elementary or secondary school and within 2,000 feet of a road curvature.

Patron - Tran

F HB1714 Department of Transportation design standards; modifications. Authorizes a resident administrator of the Virginia Department of Transportation to approve modifications to the Department's design standards in certain situations.

Patron - Wyatt

F HB1729 Commonwealth Transportation Board membership; suburban representation. Adds two nonlegislative citizen members who reside in suburban areas and are designated as suburban at-large members to the Commonwealth Transportation Board. Current law provides for two urban at-large members and two rural at-large members.

Patron - LaRock

F HJ55 Study; Department of Rail and Public Transportation; Commonwealth Corridor passenger rail service; report. Requests the Department of Rail and Public Transportation to study the feasibility of an east-west Commonwealth Corridor passenger rail service connecting Hampton Roads, Richmond, and the New River Valley.

Patron - Rasoul

F SB417 Use of certain revenues by Northern Virginia Transportation Authority. Allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority.

Patron - Petersen

F SB468 HOV lanes; autocycles. Provides that the designation of a highway lane as an HOV lane shall not apply to the use of such lane by autocycles.

Patron - Reeves

F SB1010 Robert O. Norris Bridge and Statewide Special Structure Fund. Directs the Commonwealth Transportation Board to allocate \$80 million in funding to the Robert O. Norris Bridge and Statewide Special Structure Fund in fiscal year 2021.

Patron - McDougle

F SB1016 Transportation funding; statewide prioritization process. Provides that the economic development factor shall be weighted at least twice as much as the congestion mitigation factor in highway construction districts with higher-than-average unemployment or with localities with high fiscal stress when the Commonwealth Transportation Board is evaluating a project located on a corridor of statewide significance under the SMART SCALE criteria.

Patron - Stanley

Carried Over

C HB970 Use of transportation funds. States that it is the policy of the Commonwealth that revenues dedicated to transportation purposes shall not be used or redirected for any non-transportation purpose. Any attempt to repurpose funds dedicated to transportation as of July 1, 2019, shall be deemed invalid and shall not be effectuated.

Patron - LaRock

C HB1243 Public-Private Transportation Act of 1995; Public-Private Education Facilities and Infrastructure Act of 2002; affected local jurisdictions and public entities; consideration of economic impact. Requires a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts a potential comprehensive agreement may have on all affected local jurisdictions. The bill further provides that affected local jurisdictions be given reasonable opportunity to consult with the parties concerning the nature and scope of the impacts and regarding measures that may be taken to avoid or mitigate the

impacts or make the agreement revenue-neutral. The bill directs each responsible public entity to certify compliance with the review of the economic impact analysis provisions.

Patron - Heretick

C HB1293 Extension of Shirley Gate Road; funding. Prohibits the use of state funds for the extension of Shirley Gate Road in Fairfax County until the intersection at Popes Head Road and Fairfax County Parkway has been redesigned and the traffic light removed.

Patron - Helmer

C SB1011 Department of Transportation design standards; modifications. Authorizes a Residency Engineer of the Virginia Department of Transportation, a licensed engineer designated by a Residency Engineer, or a licensed engineer selected by a Resident Administrator to approve modifications to the Department's design standards in certain situations.

Patron - McDougle

C SB1021 Kings Highway Bridge. Declares that the Kings Highway Bridge, located in the City of Suffolk, is eligible for state of good repair funds. The bill also directs the Commonwealth Transportation Board, the City of Suffolk, and members of the House of Delegates and Senate of Virginia representing the City of Suffolk to work together to identify potential funding sources for the replacement of the bridge.

Patron - Cosgrove

Homestead and Other Exemptions

Passed

P HB790 Homestead exemption; bankruptcy exemptions. Makes various changes to homestead exemptions, including providing that the official schedule of property claimed exempt filed with the United States Bankruptcy Court in a bankruptcy proceeding constitutes a sufficient writing to exempt such real and personal property from creditor process. The bill also provides that a householder may hold exempt from creditor process real or personal property that the householder or his dependent uses as a principal residence not exceeding \$25,000 in value.

Patron - Simon

Hotels, Restaurants, Summer Camps, and Campgrounds

Carried Over

C HB1379 Campgrounds; inherent risks; liability. Provides that a person who goes camping at a campground shall be presumed to have known the inherent risks of camping, defined in the bill. The bill states that a campground, an owner or operator of a campground, and any employee or officer of a campground shall be immune from civil liability for acts or omissions related to camping at a campground if a person is injured or killed, or the property of an individual or group is damaged, as a result of the inherent risks of camping. An owner or operator of a campground, and any employee or

officer of a campground, may be held civilly liable under this section if the person or agents of the campground seeking immunity intentionally cause injury, death, or property damage; act with a willful or wanton disregard for the safety of others or the property of others; or fail to conspicuously post warning signs of a dangerous inconspicuous condition known on the property if the owner of the campground is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury.

Patron - Leftwich

C SB780 Campgrounds; inherent risks; liability. Provides that a person who goes camping at a campground shall be presumed to have known the inherent risks of camping, defined in the bill. The bill states that a campground, an owner or operator of a campground, and any employee or officer of a campground shall be immune from civil liability for acts or omissions related to camping at a campground if a person is injured or killed, or the property of an individual or group is damaged, as a result of the inherent risks of camping. An owner or operator of a campground, and any employee or officer of a campground, may be held civilly liable under this section if the person or agents of the campground seeking immunity intentionally cause injury, death, or property damage; act with a willful or wanton disregard for the safety of others or the property of others; or fail to conspicuously post warning signs of a dangerous inconspicuous condition known on the property if the owner of the campground is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury.

Patron - Lewis

Housing

Passed

P HB6 Virginia Fair Housing Law; unlawful discriminatory housing practices; source of funds. Adds discrimination on the basis of a person's source of funds to the list of unlawful discriminatory housing practices. The bill creates an exemption for an owner or owner's managing agent, provided that such owner does not own more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. The bill allows an owner or owner's managing agent to deny or limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval. The bill defines "source of funds" 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. This bill incorporates HB 357.

Patron - Bourne

P HB99 Landlord and tenant; victims of family abuse; evidence to mitigate low credit score; damages. Allows an applicant for a lease to recover actual damages, including all amounts paid to the landlord as an application fee, application deposit, or reimbursement for any of the landlord's out-of-pocket expenses that were charged to the applicant, along with attorney fees, if the landlord does not consider evidence of the applicant's status as a victim of family abuse to

mitigate any adverse effect of the otherwise qualified applicant's low credit score.

Patron - Rasoul

P HB396 Redevelopment and housing authority; compensation of commissioners. Increases from \$150 to \$500 per month the maximum compensation that may be paid to a redevelopment and housing authority commissioner.

Patron - Kory

P HB810 Department of Housing and Community Development and the Virginia Housing Development Authority; stakeholder advisory group; Virginia housing opportunity tax credit program. Directs the Department of Housing and Community Development and the Virginia Housing Development Authority to convene a stakeholder advisory group to develop draft legislation establishing a Virginia housing opportunity tax credit program for the purpose of providing incentives for the utilization of private equity in the development and construction of affordable housing in the Commonwealth and regulations for implementing such program. The stakeholder advisory group shall also conduct financial modeling to determine the fiscal impact to the Commonwealth of various levels of funding for a Virginia housing opportunity tax credit. The stakeholder advisory group shall determine the most effective and efficient way to administer the program in conjunction with the federal Low-Income Housing Tax Credit Program. The stakeholder advisory group shall report its recommendations to the Governor, the Secretary of Commerce and Trade, the Director of the Department of Housing and Community Development, and the commissioners of the Virginia Housing Development Authority by September 1, 2020.

Patron - Bourne

P HB857 Segregated accommodations and segregation districts for residences. Repeals Acts of Assembly that implemented (i) separate accommodations for white and African American passengers on steamboats and (ii) designation of segregation districts for residence. This bill is identical to SB 874.

Patron - Cole, J.G.

P HB921 Housing; housing authorities; notice of intent to demolish, liquidate, or otherwise dispose of housing projects. Requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project must also serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project. The bill requires the authority to also provide such notice to any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the 12-month period subsequent to the initial notice of intent to demolish, liquidate, or dispose of the housing project, the housing authority is prohibited from (a) increasing rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. The

bill has a delayed effective date of January 1, 2021. This bill is identical to SB 708.

Patron - Jones

P HB1341 **Manufactured Housing Construction and Safety Standards Law; provision not set out; applicability.** Sets out a section from Chapter 37 of the Acts of Assembly of 1986 establishing the applicability of the Manufactured Housing Construction and Safety Standards Law (§ 36-85.2 et seq.). The bill also removes an obsolete provision relating to the purpose of the chapter and makes technical changes. The bill is a recommendation of the Code Commission.

Patron - Leftwich

P SB708 **Housing; housing authorities; notice of intent to demolish, liquidate, or otherwise dispose of housing projects.** Requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project must also serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project. The bill requires the authority to also provide such notice to any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the 12-month period subsequent to the initial notice of intent to demolish, liquidate, or dispose of the housing project, the housing authority is prohibited from (a) increasing rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. The bill has a delayed effective date of January 1, 2021. This bill is identical to HB 921.

Patron - McClellan

P SB874 **Segregated accommodations and segregation districts for residences.** Repeals Acts of Assembly that implemented (i) separate accommodations for white and African American passengers on steamboats and (ii) designation of segregation districts for residence. This bill is identical to HB 857.

Patron - Locke

P SB1065 **Department of General Services; identifying high-risk structures; desirability and feasibility of certain key boxes.** Directs the Department of General Services (the Department) to (i) determine which state-owned structures have a higher likelihood of being involved in a natural or man-made emergency that may require special access by law-enforcement personnel and (ii) study the desirability and feasibility of coordinating with local law enforcement in the installation of certain key boxes permitting law-enforcement officials to gain access to such structure during an emergency. The bill permits the Department to implement procedures for installing such key boxes to the extent that the Department determines such action is desirable and feasible. The bill directs the Department to report its findings to the Governor and General Assembly by December 1, 2020.

Patron - DeSteph

P SB1073 **Virginia Food Access Investment Program and Fund.** Creates the Virginia Food Access 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 - McClellan

Failed

F HB3 **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." This bill was incorporated into HB 1663.

Patron - McQuinn

F HB147 **Housing authorities; housing research and studies.** Requires the Virginia Housing Development Authority and local housing development authorities to undertake and carry out studies and analyses of housing needs and the meeting of such needs and to make the results of such studies and analyses available to the public and the building, housing, and supply industries. The bill also allows the Virginia Housing Development Authority to engage in research and disseminate information on the subject of housing.

Patron - Samirah

F HB149 **Department of Housing and Community Development; barriers to use of state and federal housing funds; report.** Requires the Director of the Department of Housing and Community Development to prepare an annual report to the Governor and the General Assembly describing the efforts of the Department, and other institutions of the Commonwealth responsible for carrying out housing policy, to reduce administrative and regulatory burdens on obtaining and using federal and state housing funds.

Patron - Samirah

F HB217 **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." This bill was incorporated into HB 1663.

Patron - Convirs-Fowler

F HB357 **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. This bill was incorporated into HB 6.

Patron - Lopez

F HB1005 **Housing; Uniform Statewide Building Code; exceptions, provisions, and modifications; local disaster resilience measures.** Clarifies that the Uniform Statewide Building Code (USBC) does not supersede (i) local flood plan regulations adopted as a condition of participation in the Community Rating System and (ii) measures adopted by local ordinance to make buildings resilient to foreseeable harm from recurrent flooding, coastal storms, sea level rise, and other similar threats to the health, safety, and general welfare of the locality and its residents. The bill also adds resilience and haz-

ard risk reduction to the recognized standards that should be consistent with the USBC's provisions and modifications.

Patron - Mullin

[F] HB1732 Board of Housing and Community Development; Uniform Statewide Building Code; installation of key boxes on high-risk structures. Directs the Board of Housing and Community Development to require that all high-risk structures, defined in the bill, have key boxes installed in strategic locations on the outside of such structures. The bill requires that such key box contain keys or other credentials or access cards that may be necessary for law-enforcement officials to gain access to such structure or an area within such structure during an emergency.

Patron - Miyares

[F] SB66 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." This bill was incorporated into SB 868.

Patron - McClellan

[F] SB797 Housing; Uniform Statewide Building Code; exceptions, provisions, and modifications; local disaster resilience measures. Clarifies that local flood plain regulations not superseded by the Uniform Statewide Building Code (USBC) include participation in the Community Rating System and adds that measures adopted by local ordinance to make buildings resilient to foreseeable harm from recurrent flooding, coastal storms, sea level rise, and other similar threats to the health, safety, and general welfare of the locality and its residents are also not superseded by the USBC. The bill also adds resilience and hazard risk reduction to the recognized standards that should be consistent with the USBC's provisions and modifications.

Patron - Lewis

Carried Over

[C] HB7 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, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sexual orientation, gender identity, sex, elderliness, familial status, or handicap or (ii) 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, unless at the time of the municipal decision, a proposed development will be located in a census tract wherein more than 50 percent of the units serve families or individuals at or below 80 percent of the median income of the area. 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

[C] HB73 Virginia Housing Development Authority; power to make loans; loans to finance payments on student debt. Permits the Virginia Housing Development Authority (HDA) to make mortgage loans, including federally insured mortgage loans, to finance the purchase or refinancing of sin-

gle-family residential housing and to make payments on the homeowner's student loan debt, upon the terms and conditions set forth in the bill. The bill also gives the HDA authority to promulgate additional terms and conditions related to such loans. The bill includes technical changes.

Patron - Kory

[C] HB148 Housing; notice of educational opportunities for home owners. Requires the Director of the Department of Housing and Community Development to prepare a notice form, to be made available on the Department's website, for signature by the parties to a contract for the sale of residential real estate, advising the purchaser to avail himself of educational programs established, administered, or promoted by the Director. The bill also requires that the owner of residential real property provide such notice to the purchaser prior to the ratification of a real estate purchase contract.

Patron - Samirah

[C] SB97 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, or handicap. The bill also 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, because a 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, unless the location of a development or proposed development is, at the time of municipal decision, within a census tract wherein more than 50 percent of the residential units house families or individuals at or below 80 percent of the area median income. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - McClellan

Institutions of Higher Education; Other Educational and Cultural Institutions

Passed

[P] HB103 Certain institutions of higher education; transcript notations; expungement. Requires each institution of higher education that is required by law to include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct to adopt a policy for the expungement of such notation for good cause shown and after a period of three years.

Patron - Lindsey

[P] HB104 Public institutions of higher education; non-academic student codes of conduct. Requires each public institution of higher education, with the exception of the Virginia Military Institute, to adopt non-academic student

codes of conduct. The bill mandates that students and student organizations that participate in the non-academic student codes of conduct process as a complainant or respondent shall have the responsibilities and rights afforded to them by the institution's codes of conduct and related policies and procedures. The bill states that the codes of conduct shall describe and define the responsibilities and rights of all enrolled students and student organizations and outline each step in the institution's procedures for responding to and resolving allegations of violations. The bill outlines procedures that the codes of conduct shall include when an accused student or student organization faces the potential sanctions of suspension or expulsion.

Patron - Lindsey

P HB375 Postsecondary schools; enrollment agreements; disputes; arbitration. Prohibits any postsecondary school that is required to be certified by the State Council of Higher Education for Virginia from conditioning the enrollment of a student on (i) entering into an agreement that requires the student to arbitrate any dispute between the student and the school, regardless of whether the agreement permits the student to opt out of the requirement to arbitrate any such dispute in the future; or (ii) entering into an agreement that requires the student to resolve a dispute on an individual basis and waive the right to class or group actions.

Patron - Willett

P HB447 Active duty military personnel or activated or temporarily mobilized reservists or guard members; dependents; eligibility for in-state tuition and other educational benefits. Requires the condition of continuous enrollment in a public institution of higher education or private institution of higher education currently imposed on dependents of active duty military personnel or activated or temporarily mobilized reservists or guard members in order to be eligible for in-state tuition and other educational benefits afforded to Virginia students to be waived if the dependent verifies that a break of no longer than one year was required in order to support a spouse or parent on orders for a change of duty assignment or location.

Patron - Murphy

P HB456 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. Such refund shall not be issued when three-quarters of a course has been completed at the time that the veteran student withdraws from the course.

Patron - Murphy

P HB457 Degree-granting postsecondary schools; distance learning reciprocity agreements; consumer protection. Requires any degree-granting postsecondary school providing distance learning to residents of the Commonwealth from a location outside of the Commonwealth to be certified to operate in the Commonwealth or be a participant in any interstate reciprocity agreement to which the Commonwealth belongs, in accordance with the State Council of Higher Education's authority under relevant law, for the purpose of consumer protection. The bill has a delayed effective date of July 1, 2022.

Patron - Murphy

P HB611 Public institutions of higher education; governing boards; educational programs. Requires all members of governing boards of public institutions of higher education to participate in educational programs designed to address the role, duties, and responsibilities of the governing boards at least once within the first two years of membership and at least once within every two years of membership thereafter. Under current law, new members are required to participate in such programs at least once during their first two years of membership. The bill directs the State Council of Higher Education for Virginia to develop educational materials for board members with more than two years of service on a governing board and develop criteria by which such members shall demonstrate compliance.

Patron - Miyares

P HB715 Governing boards of public institutions of higher education; increases in undergraduate tuition or mandatory fees; notice. Prohibits the governing board of any public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public notice of the date, time, and location of the meeting at which public comment on such planned increase is permitted on the institution's website and through any other standard means of communication utilized by the institution with students at least 10 days prior to such meeting.

Patron - Reid

P HB743 Private student loan providers; certain disclosures. Requires any provider of private education loans to disclose to any student attending an institution of higher education in the Commonwealth, prior to issuing a qualified education loan to such student, the contact information for the Office of the Qualified Education Loan Ombudsman and a summary of the student loan information applicable to private education loans that may be found on the State Council of Higher Education's website. The bill provides that any such disclosure may be made in conjunction with or incorporated into another disclosure to such student prior to issuing the qualified education loan. The bill requires the summary to be developed by the Office of the Qualified Education Loan Ombudsman in consultation with relevant stakeholders. The bill has a delayed effective date of July 1, 2021.

Patron - Bulova

P HB887 ABLÉ savings trust agreement; Medicaid clawback prohibition. Provides that the beneficiary of an ABLÉ savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLÉ savings trust account. The bill provides that if the survivor is ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLÉ savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him.

Patron - Filler-Corn

P HB894 Education preparation programs; teacher licensure; certain training or instruction. Requires education preparation programs offered by public institutions of higher education and private institutions of higher education to ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruc-

tion on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion. The bill requires every person seeking initial licensure as a teacher who has not received such instruction to receive instruction or training on such topics. The bill requires the Board of Education to adopt regulations to implement the foregoing requirements.

Patron - Levine

P HB913 Institutions of higher education; sexual violence policies; immunity from disciplinary action; certain students who make reports. Requires the governing board of each nonprofit private institution of higher education and each public institution of higher education except the Virginia Military Institute to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence.

Patron - Helmer

P HB992 A.L. Philpott Manufacturing Extension Partnership. Declares the A.L. Philpott Manufacturing Extension Partnership a political subdivision of the Commonwealth and requires its staff to be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees.

Patron - Adams, L.R.

P HB1179 Public institutions of higher education; in-state tuition; refugees and individuals with certain Special Immigrant Visas. Provides that an individual is eligible for in-state tuition charges regardless of domicile if he is admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years, and upon entering the United States, the individual resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

Patron - Tran

P HB1223 Public institutions of higher education; foundations; annual reporting requirements. Requires each public institution of higher education to release an annual report regarding foundations associated with the institution setting forth foundation expenses. The annual report shall include the total annual expenditures by each foundation; the percentage of expenditures used for scholarships or financial aid by each foundation; the percentage of expenditures used for faculty compensation by each foundation; the percentage of expenditures used for program costs by each foundation; the percentage of expenditures used for equipment and technology by each foundation; the percentage of expenditures used for administrative support by each foundation; and the percentage of expenditures used for executive compensation by each foundation.

Patron - Miyares

P HB1275 State Council of Higher Education for Virginia; Veteran Student Transition Grant Fund and Program. Establishes the Veteran Student Transition Grant Fund as a special nonreverting fund in the state treasury and requires the State Council of Higher Education for Virginia to establish the Veteran Student Transition Grant Program for the purpose

of providing grants from the Fund on a competitive basis to a public institution of higher education, private institution of higher education, or group of such institutions that proposes a new and innovative program or research project relating to improving the transition of veteran students from military to higher education or from higher education to the civilian workforce.

Patron - O'Quinn

P HB1315 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

P HB1335 State Council of Higher Education for Virginia; student advisory committee; Director of the Council. Changes the appointing authority for the State Council of Higher Education for Virginia's student advisory committee from the Council to the Director of the Council. The bill also directs the student advisory committee to report to the Director rather than to the Council.

Patron - Keam

P HB1529 Governing boards of public institutions of higher education; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support. Requires the governing board of each public institution of higher education to establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. The bill requires each such policy to include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of \$1 million or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. The bill requires each public institution of higher education to retain documentation of such terms and conditions in compliance with the Virginia Public Records Act and provides that such documentation shall be subject to the provisions of the Virginia Freedom of Information Act.

Patron - Bulova

P HB1547 Public institutions of higher education; eligibility for in-state tuition. Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) 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 two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes

of determining in-state tuition eligibility. This bill incorporates HB 1138 and is identical to SB 935.

Patron - Lopez

P HB1660 Online Virginia Network Authority; James Madison University. Adds the President of James Madison University or his designee and one nonlegislative citizen member appointed by James Madison University to the members of the board of trustees of the Online Virginia Network Authority. The bill also adds James Madison University to the institutions of higher education for which the Online Virginia Network, established by the Authority, will facilitate the completion of degrees. This bill is identical to SB 1041.

Patron - Carr

P SB271 Public institutions of higher education; public-private partnerships; wind and solar power. Permits each public institution of higher education to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such public institution of higher education for the generation of wind or solar power in exchange for offering educational immersion programs for high school students and students at public institutions of higher education that provide hands-on education and training in the construction, operations, and maintenance of its wind or solar power generators. The bill requires any energy produced by such solar or wind power generators to be (i) used to provide power for the partner public institution of higher education or (ii) introduced to applicable power grids and sold at market rates, with profits split as agreed upon by the private entity and the partner public institution of higher education. The bill requires any such profits gained by the partner public institution of higher education to be used to further research, expand clean energy education programs, or lower student tuition rates.

Patron - Bell

P SB313 New College Institute; board of directors, nonlegislative citizen members; representatives of business and industry from the Commonwealth. Increases from seven to 10 the nonlegislative citizen members of the board of directors of New College Institute for a total of 15 members. The bill requires three of the 10 nonlegislative citizen members to be representatives of business and industry from the Commonwealth. At least 13 members shall be residents of the Commonwealth.

Patron - Stanley

P SB462 Public institutions of higher education; in-state tuition; children of active duty service members or veterans. Provides that any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service is eligible for in-state tuition charges, regardless of domicile.

Patron - Reeves

P SB897 Public institutions of higher education; governing boards; educational programs. Requires all members of governing boards of public institutions of higher education to participate in educational programs designed to address the role, duties, and responsibilities of the governing boards at least once within the first two years of membership and at least once within every two years of membership thereafter. Under current law, new members are required to participate in such programs at least once during their first two years of membership. The bill directs the State Council of Higher Education for Virginia to develop educational materials for board members with more than two years of service on a governing board and

develop criteria by which such members shall demonstrate compliance.

Patron - DeSteph

P SB904 State Council of Higher Education for Virginia; public institutions of higher education; dyslexia and literacy; multisensory structured language education. Directs the State Council of Higher Education for Virginia to facilitate the development of a statewide coalition of public institutions of higher education in the Commonwealth, by December 1, 2020, to gather and share information on the latest evidence-based methods and approaches to prepare teachers to effectively educate K-12 students in reading, including multisensory structured language education to instruct students with dyslexia. The bill allows each public institution's school of education, education department, or relevant department for the career paths of K-12 reading specialists and teachers to collect such information and collaborate with other public institutions of higher education in the Commonwealth regarding the latest reliable research for reading instruction to all K-12 students, with an emphasis on improving reading instruction to students with dyslexia.

Patron - Vogel

P SB935 Public institutions of higher education; eligibility for in-state tuition. Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) 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 two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility. This bill is identical to HB 1547.

Patron - Boysko

P SB978 State Board of Education; technical professional licenses; military science endorsement. Directs the State Board of Education to amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency. This bill is identical to HB 1568.

Patron - Edwards

P SB994 Virginia Military Institute. Provides that Virginia Military Institute (the Institute) shall be grounded in a strict code of honor and high academics, shall uphold a strict military structure, and shall remain solely an undergraduate degree-granting institution of higher education. All cadets shall participate in one of the Reserve Officers' Training Corps (ROTC) programs at all times while attending the Institute. The Institute shall continue to demonstrate its commitment to contributing to the elimination of sexual violence in the military and shall develop reasonable policies and procedures to demonstrate such continued commitment. The bill provides

that the Adjutant General, who is a member of the board of visitors (the board), shall serve as an ex officio nonvoting member. Current law states that the Adjutant General shall serve ex officio. The bill removes the requirement that the board get the prior written consent of the Governor in order to exercise its powers regarding gifts, grants, devises, and bequests. The bill states that the board shall prescribe the terms upon which all cadets, and not just pay cadets, may be admitted, their number, the course of their instruction, and the nature and duration of their service. The bill provides that the Institute, rather than the board, may admit annually as state cadets, upon evidence of fair moral character, individuals selected from the Commonwealth at large who are at least 16 but not more than 25 years old. The bill replaces the current provision allowing the Institute to admit military scholarship cadets to allow the Institute to admit Virginia National Guard scholarship cadets and removes the annual cap of 40 such scholarships. The bill expands who can confer degrees to include the superintendent and removes the authority of the board to confer honorary degrees or diplomas of distinguished merit.

Patron - Norment

P SB1041 Online Virginia Network Authority; James Madison University. Adds the President of James Madison University or his designee and one nonlegislative citizen member appointed by James Madison University to the members of the board of trustees of the Online Virginia Network Authority. The bill also adds James Madison University to the institutions of higher education for which the Online Virginia Network, established by the Authority, will facilitate the completion of degrees. This bill is identical to HB 1660.

Patron - Obenshain

Failed

F HB228 Higher education; students and student organizations; remedies for certain violations. Permits any student or student organization aggrieved by a violation of certain provisions of law relating to campus free speech by a public institution of higher education or any employee of such institution acting in his official capacity to (i) bring a cause of action against such institution or employee for appropriate relief, including injunctive relief, monetary damages, reasonable attorney fees, and court costs; (ii) assert such violation as a defense or counterclaim in any disciplinary action or civil or administrative proceeding brought against such student or student organization; and (iii) pursue any other remedy available to such student or student organization.

Patron - Freitas

F HB300 Institutions of higher education; intercollegiate athletics; student-athletes; compensation and representation. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over

intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The foregoing provisions of the bill have a delayed effective date of July 1, 2024. The bill also requires the Chancellor of the Virginia Community College System to convene a work group consisting of such members as the Chancellor deems appropriate to consider and make recommendations to the Governor and the General Assembly no later July 1, 2022, relating to the compensation and representation of student-athletes enrolled at comprehensive community colleges in the Commonwealth.

Patron - Simon

F HB383 Law-Enforcement Officer Tuition Grant Fund and Program. Establishes the Law-Enforcement Officer Tuition Grant Fund and requires the Department of Criminal Justice Services to establish the Law-Enforcement Officer Tuition Grant Program for the purpose of providing grants from the Fund on a competitive basis to local law-enforcement agencies to cover the cost of tuition, books, and mandatory fees at a public institution of higher education for up to two years for any law-enforcement officer employed by such agency who enters into an agreement to continue to serve as a law-enforcement officer for such agency upon completion of his course of study for a period at least as long as the length of the course of study undertaken and paid for pursuant to the Program. The Fund and Program replace a similar provision of current law whereby the Department of Criminal Justice Services enters into contracts to make payments directly to certain public and private institutions of higher education to cover the cost of tuition, books, and mandatory fees for state and local law-enforcement officers who enroll in a program of study relating to their law-enforcement duties. The bill requires the Department of Criminal Justice Services to report to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health no later than September 1, 2024, on the funding, utilization, and effectiveness of the Fund and Program. The bill has an expiration date of July 1, 2025.

Patron - Convirs-Fowler

F HB455 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, beginning in 2020, 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.

Patron - Murphy

F HB499 Virginia Higher Education Funding Review Commission established; duties. Directs the Secretary of Education to convene the Virginia Higher Education Funding Review Commission as an advisory commission to provide advice and make recommendations on higher educa-

tion costs, funding needs, and appropriations in Virginia, as specified in the bill, with the Secretary of Education serving ex officio without voting privileges. The bill directs the Commission to consult with national and state policy experts and institutional innovators in other states and consider trends in the implementation of various outcomes-based funding models and to account for institutional differences. The Commission shall also seek input from within the Commonwealth, including industry leaders, consumer advocacy groups, and representatives of public doctoral institutions, comprehensive institutions, and comprehensive community colleges. The Commission shall submit a preliminary report and any related recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1, 2020, with a final report by July 1, 2021.

Patron - Davis

F HB803 Mandatory student activity fees; referendum. Provides that the governing boards of public institutions of higher education shall not increase mandatory student activity fees by greater than two percent relative to the previous academic year unless the increase is approved by a majority of students in a campus referendum.

Patron - Delaney

F HB804 Virginia Diverse Educator Scholarship Fund and Program established. Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (Hampton University, Norfolk State University, Virginia State University, and Virginia Union University) such sums as are necessary for each such institution to annually provide scholarships on a competitive basis to no more than two students who (i) identify as African American, Asian, Hispanic or Latino, Native American or Native Alaskan, or Native Hawaiian or Pacific Islander; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) \$5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) \$10,000 toward mentorship of the recipient by an experienced teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least half of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by an experienced teacher, as described in clause (d), during such period of employment.

Patron - Askew

F HB811 Institutions of higher education; intercollegiate athletics; student-athletes; compensation and representation. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from

the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The foregoing provisions of the bill have a delayed effective date of July 1, 2024, and are limited to students enrolled at a private institution of higher education or baccalaureate public institution of higher education who participate in Division 1 football in the Football Bowl Subdivision at such institution.

Patron - Miyares

F HB927 State Council of Higher Education for Virginia; certain institutional goals and criteria; reports; contents. Permits the State Council of Higher Education for Virginia to require each public institution of higher education and each nonprofit private institution of higher education eligible for and seeking to qualify for state general funds to include financial data by program and academic discipline, including operational or instructional costs, general fund and nongeneral fund revenue, and planned expenditures, as part of its report to assist the Council in its assessment of the degree to which the institution has satisfied certain goals and criteria developed by the Higher Education Advisory Committee.

Patron - Coyner

F HB985 Victims of human trafficking; eligibility for in-state tuition. Provides that a non-Virginia student who is present in the Commonwealth as a result of being a victim of human trafficking, defined in the bill, is eligible for in-state tuition. The bill provides that a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense and that eligibility for in-state tuition may be proved by a certification of such status as a victim of human trafficking by a public or not-for-profit agency the primary mission of which is to provide services to victims of human trafficking. The bill also prohibits any institution of higher education from disclosing any personally identifying information or individual information related to the status of any non-Virginia student applying for in-state tuition as a victim of human trafficking.

Patron - Batten

F HB1095 Public institutions of higher education; six-year plans; pricing structure and tuition discounting strategies. Requires the governing board of each public institution of higher education to include in each six-year plan for the institution a detailed explanation of the institution's pricing structure and tuition discounting strategies, including pricing by student income level and the use of tuition revenue for financial aid.

Patron - Miyares

F HB1138 Public institutions of higher education; exemption from out-of-state tuition rates. Permits an indi-

vidual to be exempt from paying out-of-state tuition rates at public institutions of higher education in the Commonwealth if he meets the following criteria: (i) attended high school for at least one year in the Commonwealth and either 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 Secretary of Education and (ii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill provides that this exemption shall be available to students who meet the criteria regardless of their citizenship or immigration status, except that students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M) are not eligible. Information obtained in implementing the provisions of the bill is confidential and shall be used or disclosed only for purposes of administering the program. This bill is incorporated into HB 1547.

Patron - Keam

[F] HB1178 Baccalaureate public institutions of higher education; websites; certain information; degree completion. Requires each baccalaureate public institution of higher education to include, on the informational tab or link on the home page of its website that the institution is required to maintain and annually update, the number of degrees completed during the most recent academic year by degree program and by primary location and manner of completion, including completion on the main campus, at a center or other institution established pursuant to Chapter 31 (Educational Authorities, Centers, Committees, Funds, Institutes, and Partnerships) of Title 23.1, and online.

Patron - Poindexter

[F] HB1193 Tech Talent Investment Program; eligibility for grant payments. Requires a public institution of higher education receiving grants via the Tech Talent Investment Program to agree to award 50 percent of its new eligible degrees for incoming freshman to students from rural areas. The bill defines "rural area" as a county or city with a population density of less than 200 persons per square mile.

Patron - Poindexter

[F] HB1197 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, except the Virginia Military Institute, 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

[F] HB1322 Public institutions of higher education; admissions applications; criminal history. Prohibits each public institution of higher education, with the exception of the Virginia Military Institute, 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

[F] HB1367 Public institutions of higher education; in-state tuition; volunteer firefighters and emergency medical services providers. Declares eligible for in-state tuition charges regardless of domicile any individual who volunteers as a firefighter or an emergency medical services provider in the Commonwealth and has earned the minimum activity points to be eligible for a length of service award pursuant to a length of service award program.

Patron - LaRock

[F] HB1395 The University of Mary Washington, Radford University, and Virginia State University; enrolled students; in-state tuition. Permits the University of Mary Washington, Radford University, and Virginia State University to deem eligible for in-state tuition any enrolled student, regardless of domicile.

Patron - Rush

[F] SB99 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; (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; or (iii) otherwise inquiring about the criminal history of an applicant for admission prior to the applicant receiving a conditional offer of acceptance from the institution.

Patron - Marsden

[F] SB146 Public institutions of higher education; tuition and mandatory fee increase; student approval. Provides that no increase in undergraduate tuition or mandatory fees approved by a governing board of a public institution of higher education shall take effect unless such increase receives an affirmative vote of at least two-thirds of undergraduate students enrolled in such institution.

Patron - Stuart

[F] SB147 Public institutions of higher education; chief executive officer compensation. Provides mandates for when any governing board of a public institution of higher education or committee of such board considers increasing the compensation of the institution's chief executive officer as defined in § 23.1-100 or amending the board's policies and procedures relating to the compensation of the chief executive officer. The bill provides that the board or committee shall provide written notice of the rationale for such amendment or the rationale for, source of funding for, and amount of such increase to the public in advance of any meeting at which the board or committee votes on the amendment or increase. The bill also provides that members of the public shall be provided the opportunity to provide public comment on the compensation, that the board or committee shall vote on the compensation in an open meeting, and that no executive compensation increase shall be approved in a year in which there is a tuition increase.

Patron - Stuart

[F] SB220 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

[F] SB260 Public institutions of higher education; tuition and fees; public comment; notice of meeting. Requires the governing boards of public institutions of higher education to provide students and the public 15 days' prior notice of the date and location of any meeting at which, under current law, public comment must be permitted prior to any vote by the governing board to approve an increase in undergraduate tuition or mandatory fees.

Patron - Chase

[F] SB398 Public institutions of higher education; foundations; annual reporting requirements. Requires each public institution of higher education to release an annual report regarding foundations associated with the institution setting forth foundation expenses. The annual report shall include the total annual expenditures by each foundation; the percentage of expenditures used for scholarships or financial aid by each foundation; the percentage of expenditures used for instructional programs by each foundation; the percentage of expenditures used for research by each foundation; the percentage of expenditures used for intercollegiate athletics by each foundation; and the percentage of expenditures used for buildings and maintenance by each foundation.

Patron - Chase

[F] SB841 George Mason University; establishment of a school of medicine. States that it is the sense of the General Assembly that George Mason University shall be encouraged to take steps to investigate and pursue the potential of establishing a school of medicine in the Northern Virginia area.

Patron - Petersen

[F] SB895 Public institutions of higher education; six-year plans; pricing structure and tuition discounting strategies. Requires the governing board of each public institution of higher education to include in each six-year plan for the institution a detailed explanation of the institution's pricing structure and tuition discounting strategies, including pricing by student income level and the use of tuition revenue for financial aid.

Patron - DeSteph

Carried Over

[C] HB194 State Board for Community Colleges; degree completion agreements; plan and framework. Requires the State Board for Community Colleges to develop and distribute to each comprehensive community college, no later than December 31, 2020, a plan and framework for agreements between two or more comprehensive community colleges that would facilitate associate degree completion by enhancing access to coursework at each such institution through online education and other innovative distance education methods.

Patron - Orrock

[C] HB229 Public institutions of higher education; per student enrollment-based funding; noncredit workforce training programs. Requires the per student enrollment-based funding provided to public institutions of higher education to include funding for each Virginia student enrolled in a noncredit workforce training program. Under current law, per

student enrollment-based funding follows each Virginia undergraduate student.

Patron - Freitas

[C] HB397 Governing boards of public institutions of higher education; input from faculty senate. Requires the governing board of each public institution of higher education to solicit the input of the institution's faculty senate or its equivalent (i) at least twice per academic year and (ii) regarding the search for candidates for the position of chief executive officer of the institution.

Patron - Keam

[C] HB1115 Public institutions of higher education; threat assessment team; data reporting. Requires each threat assessment team at public institutions of higher education to collect and report to the Virginia Center for School and Campus Safety quantitative data on its activities according to guidance developed by the Virginia Center for School and Campus Safety in consultation with the State Council of Higher Education for Virginia.

Patron - Hudson

[C] HB1157 Public institutions of higher education; members of governing boards; student voting member. Provides that one member appointed by the Governor to the governing boards of public institutions of higher education shall be a current student voting member. The student voting member shall have been elected by his peers to a leadership position in a student organization recognized by the institution or currently serve in an elected position in a student organization recognized by the institution in the year that the Governor appoints such student to a governing board in order to serve on the board.

Patron - Tran

[C] HB1309 Public institutions of higher education; entrance requirements; computer coding. Requires each public institution of higher education to count credit received for successful completion of a high school computer coding course toward the mathematics or science entrance requirements of the institution.

Patron - Carroll Foy

[C] HB1319 Higher education; public-private partnerships; cloud computing; artificial intelligence. Requires each institution of higher education to establish a public-private partnership, or partnership if the institution of higher education is not public, with private entities to develop a professional development and training program for instructional and information technology staff to obtain industry certification in cloud computing technology and artificial intelligence.

Patron - Aird

[C] HB1584 Public institutions of higher education; State Council of Higher Education for Virginia; business advisory committee. Establishes a business advisory committee, consisting of business and industry leaders in the Commonwealth, to advise the State Council of Higher Education for Virginia regarding the approval of new academic programs at public institutions of higher education in relation to current workforce and industry needs in the Commonwealth and other relevant topics deemed fit by the committee. Appointments shall be based on recommendations made by the Council, the General Assembly, 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 in a manner to ensure broad representation from among various industries. Ad hoc

members may be added as needed to advise the committee on specific industry needs.

Patron - Davis

SB464 Institutions of higher education; intercollegiate athletics; student-athletes; compensation, representation, and injury. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The bill requires each private institution of higher education and each baccalaureate public institution of higher education to establish (i) a sports injury compensation fund into which the institution shall deposit 7.5 percent of the revenue earned from its intercollegiate athletics programs and from which any student-athlete who suffers a serious or career-ending injury during a practice or competition may apply for compensation upon his graduation and (ii) a wage fund into which the institution shall deposit 7.5 percent of the revenue earned from its intercollegiate athletics programs and from which each student-athlete shall receive an equal amount of compensation at the end of each academic year. The foregoing provisions of the bill have a delayed effective date of July 1, 2024. The bill also requires the Chancellor of the Virginia Community College System to convene a work group consisting of such members as the Chancellor deems appropriate to consider and make recommendations to the Governor and the General Assembly no later July 1, 2022, relating to the compensation and representation of student-athletes enrolled at comprehensive community colleges in the Commonwealth.

Patron - Reeves

SB898 Public institutions of higher education; State Council of Higher Education for Virginia; business advisory committee. Establishes a business advisory committee, consisting of business and industry leaders in the Commonwealth, to advise the State Council of Higher Education for Virginia regarding the approval of new academic programs at public institutions of higher education in relation to current workforce and industry needs in the Commonwealth and other relevant topics deemed fit by the committee. Appointments shall be based on recommendations made by the Council, the General Assembly, 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 in a manner to ensure broad representation from among various industries. Ad hoc members may be added as needed to advise the committee on specific industry needs.

Patron - DeSteph

SB1062 Virginia Higher Education Funding Review Commission established; duties. Directs the Secretary of Education to convene the Virginia Higher Education Funding Review Commission as an advisory commission to provide advice and make recommendations on higher education costs, funding needs, and appropriations in Virginia, as specified in the bill, with the Secretary of Education serving ex officio without voting privileges. The bill directs the Commission to consult with national and state policy experts and institutional innovators in other states and consider trends in the implementation of various outcomes-based funding models and to account for institutional differences. The Commission shall also seek input from within the Commonwealth, including industry leaders, consumer advocacy groups, and representatives of public doctoral institutions, comprehensive institutions, and comprehensive community colleges. The Commission shall submit a preliminary report and any related recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1, 2020, with a final report by July 1, 2021.

Patron - Petersen

SB1068 Higher education; in-state tuition. Provides that if 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 academic year, is less than or equal to zero, no governing board of a baccalaureate public institution of higher education shall increase the in-state tuition rate charged to undergraduate students for such academic year. The bill provides that if the CPI-U is greater than zero, (i) the governing board of a baccalaureate public institution of higher education at which the in-state tuition rate charged to undergraduate students does not meet or exceed the average undergraduate tuition rate across all baccalaureate public institutions of higher education may increase the in-state tuition rate in an amount not to exceed the product of the CPI-U and the average undergraduate tuition rate across all baccalaureate public institutions of higher education and (ii) the governing board of a baccalaureate public institution of higher education at which the in-state tuition rate charged to undergraduate students meets or exceeds the average undergraduate tuition rate across all baccalaureate public institutions of higher education may increase the in-state tuition rate at a percentage not to exceed the CPI-U. The bill also provides that the foregoing provisions shall apply to the Virginia Community College System if the tuition charged to any Virginia student at a comprehensive community college meets or exceeds the lowest in-state tuition rate charged to undergraduate students at a baccalaureate public institution of higher education.

Patron - Kiggans

Insurance

Passed

HB66 Health insurance; cost-sharing payments for prescription insulin drugs. Prohibits health insurance companies and other carriers from setting an amount exceeding \$50 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier's

pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation. This bill incorporates HB 1403.

Patron - Carter

P HB154 Reinsurance credits. Conforms Virginia's law regarding credits to insurers for reinsurance ceded to approved assuming insurers to the provisions of the Credit for Reinsurance Model Law of the National Association of Insurance Commissioners. The bill eliminates the reinsurance collateral requirements for assuming insurers that are domiciled in or have their head office in a reciprocal jurisdiction, which is defined in the bill. Under the bill, such assuming insurers are required to maintain a minimum capital and surplus, maintain a minimal solvency or capital ratio, as applicable, and provide notice to the State Corporation Commission in the event of noncompliance of any requirements. The bill requires the Commission to create and publish a list of reciprocal jurisdictions and assuming insurers.

Patron - Kilgore

P HB795 Health insurance; association health plans. Provides that for policies of group accident and sickness insurance issued to an association, members of such an association may include (i) a self-employed individual and (ii) an employer member with at least one employee that is domiciled in the Commonwealth. The bill provides that for such policies issued to an association that covers at least 51 members and employees of employer members of such association on the first day of the plan year the policies shall be considered a large group market plan and are required to meet various provisions in the bill. The bill provides that to determine the size of an association all of the members and employees of employer members are aggregated and treated as employed by a single employer.

The bill requires an insurer issuing a policy to an association to (a) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (b) set premiums based on the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (c) vary premiums by age, except that the rate shall not vary by more than five to one for adults; (d) not vary premiums based on gender; and (e) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

The bill requires the Commissioner of Insurance to initiate proceedings to apply to the U.S. Secretary of Health and Human Services for a state innovation waiver under the federal Patient Protection and Affordable Care Act, P.L. 111-148, to implement the provisions of the bill and within 180 days of a certain judicial order to submit the waiver request to implement the provisions of the bill regarding association health plans. This bill is identical to SB 235. This bill received Governor's recommendations.

Patron - Hurst

P HB807 Health care services; explanation of benefits. Authorizes the State Corporation Commission to adopt regulations that establish alternative methods of delivery of the explanation of benefits, provided that such alternative method is in compliance with the provisions of federal regulations regarding the right to request privacy protection for protected health information. This bill is identical to SB 766.

Patron - Delaney

P HB822 Health insurance; credentialing; health care providers. Requires health insurers and other carriers that credential certain health professionals in their provider networks to establish reasonable protocols and procedures for reimbursing such a professional who has submitted a completed credentialing application to a carrier, within 30 days of being credentialed by the carrier, for services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The bill makes this requirement applicable to a person, corporation, facility, or institution licensed by the Commonwealth under Title 32.1 (Health) or Title 54.1 (Professions and Occupations) to provide health care or professional health-related services on a fee basis. Such a requirement exists in current law for participating physicians and participating mental health professionals but without a time limit for reimbursement. The bill applies the 30-day limit to such participating physicians and participating mental health professionals.

Patron - Head

P HB840 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 for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. This bill is identical to SB 605.

Patron - Murphy

P HB951 Mutual assessment property and casualty insurers; notice by electronic delivery. Authorizes a mutual assessment property and casualty insurer to provide notice of assessment by electronic delivery. Under current law, such notice may only be provided personally or by mail.

Patron - Ransone

P HB1037 Health insurance; short-term limited-duration medical plans. Prohibits carriers from issuing in the Commonwealth, on or after July 1, 2021, any short-term limited-duration medical plan with a duration that exceeds three months or that can be renewed or extended beyond six months, or if the plan's issuance would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period. The bill prohibits a carrier from issuing a short-term limited-duration medical plan during an annual open enrollment period. The bill has a delayed effective date of July 1, 2021. This bill is identical to SB 404.

Patron - Rasoul

P HB1057 Health insurance; clinical nurse specialists. Prohibits health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a licensed clinical nurse specialist from denying reimbursement because the service is rendered by a licensed clinical nurse specialist. The measure removes the existing lim-

itation that requires such reimbursement only to licensed clinical nurse specialists who render mental health services.

Patron - Adams, D.M.

P HB1141 Health benefit plans; special exception. Eliminates provisions of the Code of Virginia authorizing health carriers to sell, issue, or offer for sale any health benefit plan that would otherwise not be permitted to be sold, issued, or offered for sale due to conflict with the requirements of the federal Patient Protection and Affordable Care Act (PPACA), to the extent that the requirements of the PPACA are amended by any federal law.

Patron - Tran

P HB1240 Legal services plans. Authorizes legal services organizations to provide to the Virginia Department of Agriculture and Consumer Services any registration information or fees on behalf of their legal services plan sellers. Currently, sellers are required to register with the Department individually. The measure also (i) allows legal services plans to be written in Virginia by a foreign corporation that is licensed as an insurer in its state of domicile and authorized to write legal services plans under the laws of any state; (ii) authorizes a foreign insurer issuing legal services plans to file financial statements with the State Corporation Commission using certain alternative forms; (iii) allows a legal services organization to use policy forms without prior approval of the Commission if it has filed an informational filing and written notice of its intent to use the form; (iv) allows legal services organizations to exclude the management discussion and analysis sections of their financial statements filed with the Commission; and (v) provides that the Commission may investigate or examine a legal services organization as it deems necessary.

Patron - Wilt

P HB1251 Health insurance; payment to out-of-network providers. Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commis-

sioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021. This bill incorporates HB 58, HB 189, HB 901, HB 1494, and HB 1546 and is identical to SB 172.

Patron - Torian

P HB1290 Pharmacy benefits managers; licensure and regulation. Provides that no person is authorized to provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager without first obtaining a license from the State Corporation Commission. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue; (ii) charging a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission; (iii) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or (iv) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure also imposes recordkeeping and reporting requirements. The bill has a delayed effective date of October 1, 2020. This bill incorporates HB 1292, HB 1459, HB 1479, and HB 1659 and is identical to SB 251.

Patron - Hodges

P HB1334 Insurance data security; required programs and notifications. Establishes standards for insurance data security and for the investigation of a cybersecurity event and the notification to the Commissioner of Insurance and affected consumers of a cybersecurity event. The bill requires insurers to develop, implement, and maintain a comprehensive written information security program based on an assessment of its risk and that contains administrative, technical, and physical safeguards for the protection of nonpublic information and its information system. The bill requires investigation of potential cybersecurity events and prescribes standards for such investigations. The bill requires that the notification of the occurrence of a cybersecurity event provided by an insurer or other entity to the Commissioner and affected consumers to include certain information prescribed by the bill. The bill requires the Commissioner to adopt rules and regulations regarding data security and authorizes the Commissioner to investigate potential violations.

Patron - Keam

P HB1428 Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by an assessment on health insurers, which is limited to three percent of total monthly premiums, except the SCC may, after a public hearing, adjust the rate as necessary to ensure the Exchange is fully funded. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, or any dependent of the individual (i) is an uninsured individual at the time the return is filed and (ii) voluntarily consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of affirming that the individual, the individual's spouse, or any dependent of the individual meets the income eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation and a consumer advocate to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020. This measure is identical to SB 732.

Patron - Sickles

P HB1429 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 - Roem

P HB1503 Health insurance; coverage for autism spectrum disorder. Requires health insurers, corporations providing health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder under insurance policies, subscription contracts, or health care plans issued in the individual market or small group markets. The existing requirement that such coverage be provided for policies, contracts, or plans issued in the large group market is not affected. 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, 2021. This bill incorporates HB 1043 and is identical to SB 1031.

Patron - Ward

P SB95 Health insurance; essential health benefits; preventive services. Requires a health carrier offering or providing a health benefit plan, including (i) catastrophic health insurance policies and policies that pay on a cost-incurred basis; (ii) association health plans; and (iii) plans provided by a multiple-employer welfare arrangement, to provide, as an essential health benefit, coverage that includes preventive care. The bill defines essential health benefits as those general categories and those items and services within such categories that are covered in accordance with regulations issued pursuant to the Patient Protection and Affordable Care Act in effect as of January 1, 2019.

Patron - Favola

P SB164 Accident airtrip insurance; vending machine sales. Repeals the authorization for insurers to issue policies of accident airtrip insurance by means of mechanical vending machines in public airports.

Patron - Spruill

P SB165 Life and annuities agents; report on examination passage rate. Eliminates the requirement that the State Corporation Commission provide an annual report to the General Assembly on the licensure exam passage rate of candidates for licensure as a life and annuities agent.

Patron - Spruill

P SB172 Health insurance; payment to out-of-network providers. Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure

requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes which includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject to such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021. This bill incorporates SB 522 and is identical to HB 1251.

Patron - Favola

P SB233 Insurance licensing and registration renewal. Makes changes related to renewal of insurance agents' licensure and registration. In 2019, legislation was enacted that becomes effective January 1, 2021, to change the licensing and registration renewal cycles for agents, public adjusters, and others to a new cycle based on both month and year, with biennial renewal. The bill removes references in the current law to biennial renewal, removes a requirement in the law as it will become effective that limited lines agents renew their licenses before May 1, 2021, and adds a requirement in the law as it will become effective that certain settlement agents renew their registrations before May 1, 2021.

Patron - Chafin

P SB235 Health insurance; association health plans. Provides that for policies of group accident and sickness insurance issued to an association, members of such an association may include (i) a self-employed individual and (ii) an employer member with at least one employee that is domiciled in the Commonwealth. The bill provides that for such policies issued to an association that covers at least 51 members and employees of employer members of such association on the first day of the plan year the policies shall be considered a large group market plan and are required to meet various provisions in the bill. The bill provides that to determine the size of an association all of the members and employees of employer members are aggregated and treated as employed by a single employer.

The bill requires an insurer issuing a policy to an association to (a) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (b) set premiums based on the collective group experience of the members and employees of employer members

who are enrolled in coverage under the policy; (c) vary premiums by age, except that the rate shall not vary by more than five to one for adults; (d) not vary premiums based on gender; and (e) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

The bill requires the Commissioner of Insurance to initiate proceedings to apply to the U.S. Secretary of Health and Human Services for a state innovation waiver under the federal Patient Protection and Affordable Care Act, P.L. 111-148, to implement the provisions of the bill and within 180 days of a certain judicial order to submit the waiver request to implement the provisions of the bill regarding association health plans. This bill is identical to HB 795. This bill received Governor's recommendations.

Patron - Barker

P SB250 Medicare supplement policies for certain individuals under age 65. Requires each insurer issuing Medicare supplement policies or certificates in the Commonwealth to offer the opportunity of enrolling in at least one of its issued Medicare supplement policies or certificates to any individual under age 65 who resides in the Commonwealth, is enrolled in Medicare Part A and B, and is eligible for Medicare by reason of disability. The provisions of the measure are applicable to health plans and health maintenance organizations.

Patron - Edwards

P SB251 Pharmacy benefits managers; licensure and regulation. Provides that no person is authorized to provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager without first obtaining a license from the State Corporation Commission. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue; (ii) charging a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission; (iii) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or (iv) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure also imposes recordkeeping and reporting requirements. The bill has a delayed effective date of October 1, 2020. This bill incorporates SB 252 and SB 862 and is identical to HB 1290. This bill received Governor's recommendations.

Patron - Edwards

P SB280 Health insurance; mental health parity; required report. Codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. The bill adds information

regarding network adequacy to such report and requires the Bureau to submit the report to the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by September 1 of each year. The bill directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a third-party review of the Bureau's report. The bill requires JLARC, in conducting its review, to examine the information compiled by the Bureau from 2017 through 2020 and any other information it deems relevant and to report (i) its findings regarding mental health and substance abuse disorder benefits parity with medical and surgical benefits and access to mental health and substance abuse disorder services and (ii) its recommendations, if any, to the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by December 1, 2020.

Patron - Barker

P SB404 Health insurance; short-term limited-duration medical plans. Prohibits carriers from issuing in the Commonwealth, on or after July 1, 2021, any short-term limited-duration medical plan with a duration that exceeds three months or that can be renewed or extended beyond six months, or if the plan's issuance would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period. The bill prohibits a carrier from issuing a short-term limited-duration medical plan during an annual open enrollment period. The bill has a delayed effective date of July 1, 2021. This bill is identical to HB 1037.

Patron - Hashmi

P SB423 Health insurance; mandated coverage for hearing aids for minors. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2021.

Patron - DeSteph

P SB567 Disability insurance; childbirth. Requires each insurer proposing to issue individual or group accident and sickness insurance policies providing short-term disability income protection coverage whose policies provide coverage for short-term disability arising out of childbirth to provide coverage for a payable benefit of at least 12 weeks following childbirth for such a disability. The bill also requires the State Corporation Commission to solicit comments from insurance industry stakeholders on the impact of the bill on current and future short-term disability policyholders and to report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor prior to December 1, 2020.

Patron - Dunnivant

P SB605 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 for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same

terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. This bill incorporates SB 654 and is identical to HB 840.

Patron - McDougle

P SB718 Health insurance; interhospital transfer for newborn or mother. Prohibits health insurers from requiring prior authorization for the interhospital transfer of (i) a newborn infant experiencing a life-threatening emergency condition or (ii) the hospitalized mother of such newborn infant to accompany the infant.

Patron - McClellan

P SB732 Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by an assessment on health insurers, which is limited to three percent of total monthly premiums, except the SCC may, after a public hearing, adjust the rate as necessary to ensure the Exchange is fully funded. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, or any dependent of the individual (i) is an uninsured individual at the time the return is filed and (ii) voluntarily consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of affirming that the individual, the individual's spouse, or any dependent of the individual meets the income eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group

that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation and a consumer advocate to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020. This measure incorporates SB 226 and SB 598 and is identical to HB 1428.

Patron - McClellan

P SB766 Health care services; explanation of benefits. Authorizes the State Corporation Commission to adopt regulations that establish alternative methods of delivery of the explanation of benefits, provided that such alternative method is in compliance with the provisions of federal regulations regarding the right to request privacy protection for protected health information. This bill is identical to HB 807.

Patron - Barker

P SB861 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 (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the bill; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active existence for at least five years. The bill 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 bill requires any health benefit plan issued by a self-funded multiple employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers to (a) provide essential health benefits and cost-sharing requirements; (b) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (c) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual; (d) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers; (e) meet the renewability standards set forth for health insurance issuers; (f) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (g) utilize each employer member's specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member's premiums.

The bill prohibits a self-funded MEWA from issuing health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the Commis-

sion. The bill authorizes the Commission to adopt regulations applicable to self-funded MEWAs, including regulations addressing financial condition, solvency requirements, and the exclusion of self-funded MEWAs from the Virginia Life, Accident and Sickness Insurance Guaranty Association. This bill received Governor's recommendations.

Patron - Mason

P SB1031 Health insurance; coverage for autism spectrum disorder. Requires health insurers, corporations providing health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder under insurance policies, subscription contracts, or health care plans issued in the individual market or small group markets. The existing requirement that such coverage be provided for policies, contracts, or plans issued in the large group market is not affected. 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, 2021. This bill is identical to HB 1503.

Patron - Barker

Failed

F HB58 Balance billing; emergency services. Provides that when a covered person receives covered emergency services from an out-of-network health care provider, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure deletes a provision that allows an out-of-network provider to charge an individual for the balance of the provider's billed amount after applying the amount the health carrier is required to pay for such services. The measure also establishes a fourth standard for calculating the health carrier's required payment to the out-of-network provider of the emergency services, which standard is (i) the regional average for commercial payments for such service if the provider is a health care professional or (ii) the fair market value for such services if the provider is a facility. This fourth standard is the amount the health carrier is obligated to pay to the out-of-network provider if the amount is greater than any of the other three standards, which are (a) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (b) 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 (c) the amount that would be paid under Medicare for the emergency service. The measure requires the health carrier to pay the required amount, less applicable cost-sharing requirements, directly to the out-of-network health care provider of the emergency services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure also provides that final diagnosis rendered to a covered person who receives emergency services for a medical condition shall not be considered in the health carrier's determination of whether the medical condition was an emergency medical condition. The measure establishes the procedure by which the regional average for commercial payments for emergency services will be calculated by the nonprofit data services organization that compiles the Virginia All-Payer Claims Database. The measure

also requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly. This bill was incorporated into HB 1251.

Patron - Ware

F HB189 Balance billing; emergency services. Provides that when a covered person receives covered emergency services from an out-of-network health care provider, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure deletes a provision that allows an out-of-network provider to charge an individual for the balance of the provider's billed amount after applying the amount the health carrier is required to pay for such services. The measure also establishes a fourth standard for calculating the health carrier's required payment to the out-of-network provider of the emergency services, which standard is (i) the regional average for commercial payments for such service if the provider is a health care professional or (ii) the fair market value for such services if the provider is a facility. This fourth standard is the amount the health carrier is obligated to pay to the out-of-network provider if the amount is greater than any of the other three standards, which are (a) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (b) 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 (c) the amount that would be paid under Medicare for the emergency service. The measure requires the health carrier to pay the required amount, less applicable cost-sharing requirements, directly to the out-of-network health care provider of the emergency services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure also provides that final diagnosis rendered to a covered person who receives emergency services for a medical condition shall not be considered in the health carrier's determination of whether the medical condition was an emergency medical condition. The measure establishes the procedure by which the regional average for commercial payments for emergency services will be calculated by the nonprofit data services organization that compiles the Virginia All-Payer Claims Database. The measure also requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly. This bill was incorporated into HB 1251.

Patron - Levine

F HB348 Health insurance; authorization of drug prescribed by psychiatrist. Requires that any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, provide that no prior authorization is required for any drug prescribed by a psychiatrist, if (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.

Patron - Davis

F HB487 Life insurance; notarized signature. Requires that any individual life insurance policy delivered or issued for delivery on or after January 1, 2021, contain the

notarized signature of the individual on whose life the policy is issued.

Patron - Marshall

F HB612 Health insurance; amino acid-based elemental formula. Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to cover amino acid-based elemental formula for the treatment of specified diseases or disorders.

Patron - Plum

F HB645 Health insurance; coverage for diabetes. Requires health insurers, health care subscription plans, and health maintenance organizations to include coverage for insulin, certain equipment, certain supplies, regular foot care and eye care exams, and up to three in-person outpatient self-management training and education visits upon an individual's initial diagnosis of diabetes and up to two such visits upon a significant change in an individual's condition. The bill provides greater specificity than the current law requiring coverage for equipment, supplies, and self-management training and education visits. The bill also provides that benefits or services required for the treatment of diabetes is exempt from any deductible. The provisions apply to any insurance policy, contract, or plan delivered, issued for delivery, reissued, or extended on and after January 1, 2021, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

Patron - Price

F HB901 Health insurance; payment to out-of-network providers. Provides that when a covered person receives covered emergency services from an out-of-network health care provider or receives out-of-network services at an in-network facility, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure also establishes a standard for calculating the health carrier's required payment to the out-of-network provider of the services, which standard is the lower of the market-based value for the service or 125 percent of the amount that would be paid under Medicare for the service. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly. This bill was incorporated into HB 1251.

Patron - Sickles

F HB1018 Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and

small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers offering plans in the Exchange. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, (i) is an uninsured individual at the time the return is filed and (ii) consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of determining the uninsured individual's or spouse's eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020.

Patron - Sickles

F HB1043 Health insurance; coverage for autism spectrum disorder; individual and small group markets. Eliminates the exemption from the requirements to provide coverage for the diagnosis and treatment of autism spectrum disorder for insurers, corporations, and organizations issuing policies, contracts, and plans in the individual and small group markets. Under current law, only policies, contracts, and plans issued in the large group market are required to provide such coverage. This bill was incorporated into HB 1503.

Patron - Krizek

F HB1087 High deductible health plans; funding deductibles through health savings accounts. Requires each employer sponsoring a high deductible health plan for its employees annually to fund the health savings account associated with the plan in an amount that is not less than the annual deductible amount under the plan. A similar requirement is imposed with regard to high deductible health plans offered to state employees under the state employee health insurance program.

Patron - Miyares

F HB1212 Compliance with terms and conditions of personal motor vehicle insurance policy; age of party seeking liability coverage. Provides that any party, regardless of the age of such party, seeking liability coverage under a personal motor vehicle insurance policy shall comply with the terms and conditions of an insurance policy, including the duty

to cooperate in any investigation of a claim in which liability coverage is sought.

Patron - LaRock

F HB1292 Health insurance; carrier contracts with pharmacy benefits managers. Prohibits a health insurance carrier from entering into, amending, renewing, or extending a contract with a pharmacy benefits manager unless such contract contains provisions prohibiting the pharmacy benefits manager or his representative from conducting spread pricing with regard to the carrier's health benefit plans. The bill defines "spread pricing" as the model of prescription drug pricing in which the pharmacy benefits manager charges a carrier a contracted price for prescription drugs and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services. This bill was incorporated into HB 1290.

Patron - Hodges

F HB1403 Health insurance; cost-sharing payments for prescription insulin drugs. Prohibits health insurance companies and other carriers from setting an amount exceeding \$100 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation. This bill was incorporated into HB 66.

Patron - Leftwich

F HB1459 Pharmacy benefits managers. Requires pharmacy benefits managers to register with the Commissioner of the Bureau of Insurance. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading; (ii) charge a pharmacist or pharmacy a fee related to the adjudication of a claim; (iii) engaging, with the express intent or purpose of driving out competition or financially injuring competitors, in a pattern or practice of reimbursing retail community pharmacies or pharmacists in the Commonwealth consistently less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services; (iv) collecting or requiring a pharmacy or pharmacist to collect from an insured a copayment for a prescription drug at the point of sale in an amount that exceeds the lesser of the contracted copayment amount, the amount an individual would pay for a prescription drug if that individual was paying cash, or the contracted amount for the drug; (v) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; (vi) penalize or give an inducement to a covered individual for the purpose of having the covered individual use a specific retail community pharmacy, mail order pharmacy, or another network pharmacy provider that is a pharmacy benefits manager affiliate; (vii) prohibiting a pharmacist or pharmacy from offering and providing direct and limited delivery services including incidental mailing services, to an insured as an ancillary service of the

pharmacy; (viii) charging a fee related to the adjudication of a claim without providing the cause for each adjustment or fee; (ix) steer a covered individual to a pharmacy in which the pharmacy benefit manager maintains an ownership interest or control without making a written disclosure to and receiving acknowledgment from the covered individual; or (x) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure requires each carrier to ensure that, before a particular drug is placed or continues to be placed on a Maximum Allowable Cost List, the drug meets certain standards, is available for purchase in the Commonwealth, and is not obsolete. The measure establishes requirements allowing network pharmacy providers to readily access the maximum allowable cost specific to that provider and requires Maximum Allowable Cost Lists to be updated every seven days. The measure requires the establishment of reasonable appeal procedures. The measure also imposes recordkeeping and reporting requirements and provides that information or data acquired therefrom is considered proprietary and confidential and is not subject to the Virginia Freedom of Information Act. This bill was incorporated into HB 1290.

Patron - O'Quinn

F HB1479 Pharmacy benefits managers. Requires pharmacy benefits managers to register with the Commissioner of the Bureau of Insurance. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading; (ii) charge a pharmacist or pharmacy a fee related to the adjudication of a claim; (iii) engaging, with the express intent or purpose of driving out competition or financially injuring competitors, in a pattern or practice of reimbursing retail community pharmacies or pharmacists in the Commonwealth consistently less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services; (iv) collecting or requiring a pharmacy or pharmacist to collect from an insured a copayment for a prescription drug at the point of sale in an amount that exceeds the lesser of the contracted copayment amount, the amount an individual would pay for a prescription drug if that individual was paying cash, or the contracted amount for the drug; (v) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; (vi) requiring the use of mail order for filling prescriptions unless the health benefit plan or pharmacy benefit offers no financial incentive to an insured; (vii) prohibiting a pharmacist or pharmacy from offering and providing direct and limited delivery services including incidental mailing services, to an insured as an ancillary service of the pharmacy; (viii) charging a fee related to the adjudication of a claim without providing the cause for each adjustment or fee; or (ix) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification require-

ments inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure requires each carrier to ensure that, before a particular drug is placed or continues to be placed on a Maximum Allowable Cost List, the drug meets certain standards, is available for purchase in the Commonwealth, and is not obsolete. The measure establishes requirements allowing network pharmacy providers to readily access the maximum allowable cost specific to that provider and requires Maximum Allowable Cost Lists to be updated every seven days. The measure requires the establishment of reasonable appeal procedures. The measure also imposes recordkeeping and reporting requirements and provides that information or data acquired therefrom is considered proprietary and confidential and is not subject to the Virginia Freedom of Information Act. This bill was incorporated into HB 1290.

Patron - Samirah

F HB1494 Balance billing; emergency services. Provides that when a covered person receives covered emergency services from an out-of-network health care provider, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure deletes a provision that allows an out-of-network provider to charge an individual for the balance of the provider's billed amount after applying the amount the health carrier is required to pay for such services. The measure also establishes a fourth standard for calculating the health carrier's required payment to the out-of-network provider of the emergency services, which standard is (i) the regional average for commercial payments for such service if the provider is a health care professional or (ii) the fair market value for such services if the provider is a facility. This fourth standard is the amount the health carrier is obligated to pay to the out-of-network provider if the amount is greater than any of the other three standards, which are (a) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (b) 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 (c) the amount that would be paid under Medicare for the emergency service. The measure requires the health carrier to pay the required amount, less applicable cost-sharing requirements, directly to the out-of-network health care provider of the emergency services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure also provides that final diagnosis rendered to a covered person who receives emergency services for a medical condition shall not be considered in the health carrier's determination of whether the medical condition was an emergency medical condition. The measure establishes the procedure by which the regional average for commercial payments for emergency services will be calculated by the nonprofit data services organization that compiles the Virginia All-Payer Claims Database. The measure also requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly. This bill was incorporated into HB 1251.

Patron - Bagby

F HB1546 Health benefit plans; bills for emergency services; surprise bills; dispute resolution. Requires the Commissioner of the Bureau of Insurance to certify independent dispute resolution entities to resolve disputes arising from surprise bills for non-emergency health care services and for emergency service provided by non-participating providers. The measure implements "baseball-style" arbitration to resolve disputes between health carriers and physicians. Under this approach, each party submits a proposed dollar amount to the independent dispute resolution entity, who then chooses one as the appropriate payment amount. The measure provides that when an insured assigns benefits for a surprise bill or a bill for emergency services in writing to a non-participating physician who knows the insured is covered under a health benefit plan, the non-participating physician shall not bill the insured except for any applicable coinsurance, copayment, or deductible that would be owed if the insured utilized a participating physician. This bill was incorporated into HB 1251.

Patron - Adams, D.M.

F HB1567 Health insurance; coverage for infertility treatments. Requires health insurance policies, subscription contracts, and health care plans to provide coverage for embryo transfer, in vitro fertilization, artificial insemination, gamete intrafallopian tube transfer, intracytoplasmic sperm injection, zygote intrafallopian transfer, and low tubal ovum transfer when performed on a covered individual who is less than 50 years old and infertile.

Patron - Keam

F HB1659 Health insurance; carrier contracts with pharmacy benefits managers. Prohibits a health insurance carrier from entering into, amending, renewing, or extending a contract with a pharmacy benefits manager unless such contract contains provisions prohibiting the pharmacy benefits manager or his representative from reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same product identifier or code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration. The bill applies to contracts entered into, amended, renewed, or extended on and after July 1, 2021. This bill was incorporated into HB 1290.

Patron - Head

F HB1682 Health benefit plans; coding for adverse childhood experiences. Requires any carrier that offers a health benefit plan that provides coverage for screening of covered persons for adverse childhood experiences that may impact a patient's physical or mental health or the provision of health care services to such patient to utilize a coding system that enrolls a code for such screening services.

Patron - Samirah

F HB1704 Health insurance; coverage for case management services and peer support services. Requires health insurance policies, subscription contracts, and health care plans to provide coverage for (i) case management services that are prescribed by a licensed physician for a covered individual who has a primary diagnosis of a substance abuse disorder and (ii) peer support services for any covered person who has a primary diagnosis of a mental health disorder other than substance abuse disorder.

Patron - Kory

F SB192 Health insurance; physical therapist office visit; cost-sharing requirements. Prohibits health insurers,

corporations providing health care coverage subscription contracts, and health maintenance organizations whose policies, contracts, or plans include coverage for physical therapy from imposing any cost-sharing requirements such as a copayment, coinsurance, or deductible for a physical therapist office visit that exceeds the cost-sharing requirements for a physician or osteopath office visit.

Patron - Peake

F SB216 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 Patient Protection and Affordable Care Act, as amended, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are younger than 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 allowing catastrophic plans to be offered on the individual market to all individuals. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved.

Patron - Suetterlein

F SB226 Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers offering plans in the Exchange. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange. This bill was incorporated by SB 732.

Patron - Edwards

F SB243 Balance billing; emergency services. Provides that when a covered person receives covered emergency services from an out-of-network health care provider, the cov-

ered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure deletes a provision that allows an out-of-network provider to charge an individual for the balance of the provider's billed amount after applying the amount the health carrier is required to pay for such services. The measure also establishes a fourth standard for calculating the health carrier's required payment to the out-of-network provider of the emergency services, which standard is (i) the regional average for commercial payments for such service if the provider is a health care professional or (ii) the fair market value for such services if the provider is a facility. This fourth standard is the amount the health carrier is obligated to pay to the out-of-network provider if the amount is greater than any of the other three standards, which are (a) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (b) 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 (c) the amount that would be paid under Medicare for the emergency service. The measure requires the health carrier to pay the required amount, less applicable cost-sharing requirements, directly to the out-of-network health care provider of the emergency services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure also provides that final diagnosis rendered to a covered person who receives emergency services for a medical condition shall not be considered in the health carrier's determination of whether the medical condition was an emergency medical condition. The measure establishes the procedure by which the regional average for commercial payments for emergency services will be calculated by the nonprofit data services organization that compiles the Virginia All-Payer Claims Database. The measure also requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly.

Patron - Chase

F SB252 Pharmacy benefit managers; licensure and regulation. Provides that, beginning January 1, 2021, no person is authorized to provide pharmacy benefit management services or otherwise act as a pharmacy benefit manager without first obtaining a license from the State Corporation Commission. Such licenses are to be renewed annually. The bill prohibits a pharmacy benefit manager from participating in spread pricing, defined in the bill, and provides that except for any agreed-upon administrative fee, all funds, including any rebates received by the pharmacy benefit manager in relation to providing pharmacy benefit management services for a carrier, will be distributed to the carrier. This bill was incorporated into SB 251.

Patron - Edwards

F SB364 Joint Commission on Health Care; association health plans for the individual market; review. Directs the Joint Commission on Health Care (JCHC) 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 JCHC shall request and consider information and input from the Commission's Bureau of Insurance and the Secretary of Health and Human Resources. The bill provides that elements of the Program to be reviewed and examined by JCHC shall include the following: (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 Patient Protection and 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 are comparable 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 the federal Employee Retirement Income Security Act of 1974 (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 JCHC to report its findings and conclusions to the Joint Committee for Health and Human Resources Oversight.

Patron - Dunnivant

F SB424 Health plans; calculation of enrollee's contribution to out-of-pocket maximum or cost-sharing requirement; rebates. Requires any carrier issuing a health plan in the Commonwealth to count the amount of any rebates received or to be received by the carrier or its pharmacy benefits manager in connection with the dispensing or administration of a prescription drug when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

Patron - DeSteph

F SB522 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 preapproved or related to preapproved 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. This bill was incorporated into SB 172.

Patron - McDougle

[F] SB573 Health plans; calculation of enrollee's contribution to out-of-pocket maximum or cost-sharing requirement; rebates. Requires any carrier issuing a health plan in the Commonwealth to count the amount of any rebates received or to be received by the carrier or its pharmacy benefits manager in connection with the dispensing or administration of a prescription drug when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

Patron - Dunnivant

[F] SB598 Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers offering plans in the Exchange. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in

order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange. This bill was incorporated by SB 732.

Patron - Hanger

[F] SB654 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 for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. This bill was incorporated into SB 605.

Patron - Boysko

[F] SB767 Health insurance; payment to out-of-network providers. Provides that when a covered person receives covered emergency services from an out-of-network health care provider or receives out-of-network services at an in-network facility, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure also establishes a standard for calculating the health carrier's required payment to the out-of-network provider of the services, which standard is the lower of the market-based value for the service or 125 percent of the amount that would be paid under Medicare for the service. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly.

Patron - Barker

[F] SB862 Pharmacy benefits managers. Requires pharmacy benefits managers to register with the Commissioner of the Bureau of Insurance. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promo-

tion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading; (ii) charge a pharmacist or pharmacy a fee related to the adjudication of a claim; (iii) engaging, with the express intent or purpose of driving out competition or financially injuring competitors, in a pattern or practice of reimbursing retail community pharmacies or pharmacists in the Commonwealth consistently less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services; (iv) collecting or requiring a pharmacy or pharmacist to collect from an insured a copayment for a prescription drug at the point of sale in an amount that exceeds the lesser of the contracted copayment amount, the amount an individual would pay for a prescription drug if that individual was paying cash, or the contracted amount for the drug; (v) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; (vi) penalize or give an inducement to a covered individual for the purpose of having the covered individual use a specific retail community pharmacy, mail order pharmacy, or another network pharmacy provider that is a pharmacy benefits manager affiliate; (vii) prohibiting a pharmacist or pharmacy from offering and providing direct and limited delivery services including incidental mailing services, to an insured as an ancillary service of the pharmacy; (viii) charging a fee related to the adjudication of a claim without providing the cause for each adjustment or fee; (ix) steer a covered individual to a pharmacy in which the pharmacy benefit manager maintains an ownership interest or control without making a written disclosure to and receiving acknowledgment from the covered individual; or (x) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure requires each carrier to ensure that, before a particular drug is placed or continues to be placed on a Maximum Allowable Cost List, the drug meets certain standards, is available for purchase in the Commonwealth, and is not obsolete. The measure establishes requirements allowing network pharmacy providers to readily access the maximum allowable cost specific to that provider and requires Maximum Allowable Cost Lists to be updated every seven days. The measure requires the establishment of reasonable appeal procedures. The measure also imposes recordkeeping and reporting requirements and provides that information or data acquired therefrom is considered proprietary and confidential and is not subject to the Virginia Freedom of Information Act. This bill was incorporated into SB 251.

Patron - Pillion

F SB1047 Health insurance; narrow network plans. Prohibits a health carrier from offering more than one narrow network plan, as defined in the bill, in a geographic region if any two narrow network plans offered by the health carrier would have the two lowest monthly premiums of any silver-level plans offered by the health carrier in the geographic region.

Patron - Deeds

F SB1086 Health insurance; coverage for infertility treatment. Requires health insurance policies, subscription contracts, and health care plans, including plans administered by the Department of Medical Assistance Services, to provide coverage for infertility treatment.

Patron - Pillion

Carried Over

C HB39 Health benefit plans; enrollment by pregnant individuals. Requires health carriers to allow pregnant individuals to enroll in a health benefit plan at any time after the commencement of the pregnancy, with the pregnant individual's coverage being effective as of the first of the month in which the individual receives certification of the pregnancy. The measure applies to such agreements that are entered into, amended, extended, or renewed on or after January 1, 2021.

Patron - Samirah

C HB59 Health carriers; licensed athletic trainers. Requires health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a licensed athletic trainer to provide equal coverage for such services when rendered by a licensed athletic trainer.

Patron - Ware

C HB442 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, 2021.

Patron - Carroll Foy

C HB503 Health insurance; coverage for prosthetic devices. Requires health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth's Medicaid program 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 has a delayed effective date of January 1, 2021.

Patron - Roem

C HB526 Coverage for 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) well-woman preventive visits; (ii) counseling for sexually transmitted infections; (iii) screening for certain conditions; (iv) folic acid supplements; (v) breastfeeding support, counseling, and supplies; (vi) breast cancer chemoprevention counseling; (vii) contraceptive drugs, devices, or products; (viii) voluntary sterilization; and (ix) any additional preventive services for women that must be covered without cost sharing under federal law as of January 1, 2019. The mandated coverage does not include abortion services other than when performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering

physical condition caused by or arising from the pregnancy itself, or when the pregnancy is the result of an alleged act of rape or incest. The measure provides an exemption for plans sold to religious employers. Carriers are prohibited from excluding a covered person from participating in, being denied the benefits of, or otherwise being subjected to discrimination in the coverage of or payment for reproductive health services, and a violation constitutes an unfair trade practice. 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, 2021, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made.

Patron - Kory

HB530 Health care coverage; qualified health plans. Requires the Department of Medical Assistance Services, in collaboration with the State Corporation Commission, to contract with health carriers to offer qualified health plans on the health benefit exchange beginning January 1, 2022. The bill provides that such qualified health plans are designed to reduce deductibles, make more services available before the deductible is met, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, encourage choice based on value, and limit adverse premium impacts and increases in premium rates. The bill requires that any health carrier contracted with the Department to offer such qualified health plans (i) is licensed and in good standing to offer health insurance coverage in the Commonwealth and (ii) offers at least one qualified health plan at a silver level of coverage and one qualified health plan at a gold level of coverage. The bill provides that any fee-for-service rates for providers and facilities under any such qualified health plan cannot exceed the Medicare rates for the same or similar covered services, and for reimbursement other than fee-for-service, the aggregate amount the qualified health plan pays to providers and facilities cannot exceed the equivalent of the aggregate amount the qualified health plan would have reimbursed providers using fee-for-service Medicare rates.

Patron - Samirah

HB579 Health insurance; coverage for mammograms. Requires health insurers, on and after January 1, 2021, to provide coverage for low-dose screening mammograms at rates that are more frequent than is currently required if the covered individual has a family history of breast cancer. If the individual has a family history of breast cancer, the bill requires coverage for annual mammograms from age 30 through 49 and biannual mammograms starting at age 50. However, the age at which such coverage of annual mammograms starts shall be younger than 30 if the covered individual's mother was diagnosed with breast cancer at an age earlier than 40, in which event coverage starts during the year that the individual attains an age that is 10 years younger than the age of the individual's mother at the time of her diagnosis.

Patron - Guzman

HB776 Health insurance; coverage for fertility preservation procedures for cancer patients. Requires health insurance policies, subscription contracts, and health care plans to provide coverage for standard fertility preservation procedures that are medically necessary to preserve the fertility of a covered individual due to the covered individual's receiving cancer treatment that may directly or indirectly cause iatrogenic infertility.

Patron - Helmer

HB876 Prescription drug price transparency. Requires every health carrier, pharmacy benefits manager,

wholesale drug distributor, and drug manufacturer to report information about prescription drug prices and related information to the Department of Health and requires the Department to make such information available on its website.

Patron - Subramanyam

HB1036 Preventive services; coverage for outpatient mental health screenings or visits. Requires a health carrier to provide coverage as a preventive service for at least six annual therapy or counseling outpatient screenings or visits with a licensed mental health professional for the early detection or prevention of mental illness. Health carriers are prohibited from imposing any cost-sharing requirements for mandated preventive services.

Patron - Rasoul

HB1331 Health insurance; in-network guarantees. Prohibits a health carrier that offers a managed care plan from entering into, extending, or renewing a provider contract with a facility unless such provider contract contains provisions requiring that each health care provider (i) that provides emergency or ancillary services at the facility is an in-network provider or has agreed to have his reimbursement from the health carrier included as part of the health carrier's payment to the facility and to not separately bill the health carrier or the covered person for emergency or ancillary services provided at such facility and (ii) that any laboratory or diagnostic services provided at the facility are in-network or, if such services are referred by a provider at the facility, the referral is to an in-network provider.

Patron - Byron

HB1384 Health insurance; provider contracts; business practices; penalties. Provides that amendments to a provider contract or any material provision, addenda, schedule, exhibit, or policy thereto, as it relates to any material provision that was agreed to or accepted by the provider in the previous 12-month period, or that occurred during the current term of the provider contract and resulted in an adverse change, are not effective unless agreed to by the provider in writing. The measure requires such an amendment to be agreed to by the provider in a signed written amendment to the provider contract. The measure defines a material provision of a provider contract as any policy manual, coverage guideline, edit, multiple procedure logic, or audit procedure that (i) decreases the provider's payment or compensation, (ii) limits an enrollee's access to covered services under his health plan, or (iii) changes the administrative procedures applicable to a provider contract in a way that may reasonably be expected to significantly increase the provider's administrative expense. The measure requires carriers to permit a provider to determine the carrier's policies regarding the use of edits or multiple procedure logic. The measure requires carriers to provide, for each health plan in which the provider participates or is proposed to participate, a complete fee schedule for all health care services included under the provider contract with the provider in writing and to make such fee schedules available in machine-readable electronic format. The measure requires a provider contract to permit a provider a minimum of one year from the date a health care service is rendered to submit a claim for payment, unless otherwise agreed upon. The measure also (a) requires the State Corporation Commission to assist providers and to examine and investigate provider complaints and inquiries relating to an alleged or suspected failure by a carrier to comply with required minimum fair business standards, (b) requires the Commission to provide a determination of whether a carrier has failed to comply with these standards within 60 days of receipt of a provider's complaint or inquiry, (c) authorizes the Commission to determine whether a carrier's practices comply with these standards, (d) subjects a person that refuses or fails

to provide information in a timely manner to the Commission to enforcement and penalty provisions, and (e) authorizes the Commission to impose penalties or issue a cease and desist order to a carrier that fails to comply with these standards.

Patron - Robinson

HB1445 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, 2021, 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

HB1559 Prescription drug price transparency; penalties. Requires pharmaceutical drug manufacturers, pharmacy benefits managers, and health carriers to submit reports containing certain information concerning prescription drug costs to the Commissioner of the Bureau of Insurance (the Commissioner). The measure requires pharmaceutical drug manufacturers' reports to include information on the current wholesale acquisition cost information for FDA-approved drugs sold in or into the Commonwealth by the pharmaceutical drug manufacturer. The bill also requires such manufacturers to submit a report for drugs with a wholesale acquisition cost of at least \$50 for a 30-day supply when their wholesale acquisition cost increases by 25 percent or more over the preceding three calendar years or 10 percent or more over the preceding calendar year. The measure requires pharmacy benefits managers to report data on the aggregated rebates, fees, price protection payments, and any other payments collected from pharmaceutical drug manufacturers and the aggregated dollar amount of rebates, fees, price protection payments, and any other payments collected from pharmaceutical drug manufacturers that were health benefit plan issuers or enrollees at the point of sale of a prescription drug. The measure requires health carriers to report the names of the 25 most frequently prescribed drugs across all plans, percent increase in annual net spending for drugs across all plans, percent increase in premiums attributable to drugs across all plans, percentage of specialty drugs with utilization management requirements across all plans, and premium reductions that were attributable to specialty drug utilization management. The measure requires the Commissioner to publish the aggregated data from these reports on a website. The measure authorizes the State Corporation Commission (the Commission) to (i) call public hearings and to subpoena prescription drug manufacturers, pharmacy benefits managers, and health carriers to explain their reports; (ii) conduct audits of data submitted to it; (iii) require these entities to submit a corrective action plan to correct deficiencies in reporting; and (iv) impose penalties of \$30,000 per day on any prescription drug manufacturer, pharmacy benefits manager, or health carrier that fails to make a good faith effort to submit a required report within two weeks after receiving written notice from the Commission.

Patron - Hurst

HB1594 Health insurance; mandated coverage for hearing aids for minors. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or

younger when a licensed audiologist prescribes such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2021.

Patron - Cole, J.G.

HB1713 Essential health benefits; abortion coverage. Removes the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia.

Patron - Hudson

HB1731 Health care provider panels; vertically integrated carriers; providers. Requires any vertically integrated carrier to offer 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, to every provider in the Commonwealth under the same terms and conditions that apply to providers under common control with the vertically integrated carrier. 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 provider, (ii) include all sites and services offered by the provider, and (iii) take into account the different characteristics of different providers with regard to the range, nature, cost, and complexity of services offered. The measure prohibits an officer or director of a vertically integrated carrier from simultaneously serving as an officer or director of an entity that owns, operates, manages, or controls an acute care hospital located, in whole or in part, in the Commonwealth. The measure 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 - Hudson

SB27 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 from the date the initial settlement demand was presented to the insurance company.

Patron - Petersen

SB295 Employment; disclosure of terms. Requires every employer to furnish to its employees, at the time of the employee's hiring, (i) a written disclosure of information regarding the terms of employment, including the name and address of the employer, the rate of pay and basis thereof, and the regular payday; and (ii) a physical or digital copy of the driver's license or government-issued identification card of the employer, if the employer is a natural person, or the employee's immediate supervisor, if the employer is not an individual. The measure also requires employers to notify their employees in writing of any changes to this information.

Patron - Marsden

C SB382 Health insurance; coverage for prosthetic devices. Requires health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth's Medicaid program 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 has a delayed effective date of January 1, 2021.

Patron - McPike

C SB474 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 the 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

C SB765 Health insurance; provider contracts; business practices; penalties. Prohibits a carrier from unilaterally amending a provider contract or any material provision, addenda, schedule, exhibit, or policy thereto, as it relates to any material provision that was agreed to or accepted by the provider in the previous 12-month period. The measure requires such an amendment to be agreed to by the provider in a signed written amendment to the provider contract. The measure defines a material provision of a provider contract as any policy manual, coverage guideline, edit, multiple procedure logic, or audit procedure that (i) decreases the provider's payment or compensation, (ii) limits an enrollee's access to covered services under his health plan, or (iii) changes the administrative procedures applicable to a provider contract in a way that may reasonably be expected to significantly increase the provider's administrative expense. The measure requires carriers to permit a provider to determine the carrier's policies regarding the use of edits or multiple procedure logic. The measure requires carriers to provide, for each health plan in which the provider participates or is proposed to participate, a complete fee schedule for all health care services included under the provider contract with the provider in writing and to make them available in machine-readable electronic format. The measure requires carriers to permit a provider a minimum of one year from the date a health care service is rendered to submit a claim for payment. The measure also (a) requires the State Corporation Commission to assist providers and to examine and investigate provider complaints and inquiries relating to an alleged or suspected failure by a carrier to comply with required minimum fair business standards, (b) requires the Commission to provide a determination of whether a carrier has failed to comply with these standards within 60 days of receipt of a provider's complaint or inquiry, (c) authorizes the Commission to determine whether a person's practices comply with these standards, (d) subjects a person that refuses or fails to provide information in a timely manner to the Commission to enforcement and penalty provisions, and (e) authorizes the Commission to impose penalties

or issue a cease and desist order to a carrier that fails to comply with these standards.

Patron - Barker

C SB867 Health care provider panels; vertically integrated carriers; providers. Requires any vertically integrated carrier to offer 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, to every provider in the Commonwealth under the same terms and conditions that apply to providers under common control with the vertically integrated carrier. 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 provider, (ii) include all sites and services offered by the provider, and (iii) take into account the different characteristics of different providers with regard to the range, nature, cost, and complexity of services offered. The measure prohibits an officer or director of a vertically integrated carrier from simultaneously serving as an officer or director of an entity that owns, operates, manages, or controls an acute care hospital located, in whole or in part, in the Commonwealth. The measure 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

C SB917 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, 2021, 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

Juvenile Justice

Passed

P SB20 Board of Juvenile Justice; Department of Behavioral Health and Developmental Services; regulations governing the housing of youth pursuant to contracts with the federal government. Requires the Board of Juvenile Justice, in collaboration with the Department of Behavioral Health and Developmental Services, 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

Failed

F HB551 Juvenile community correctional centers; establishment; placement of juveniles. Changes the name of "juvenile correctional centers" to "juvenile community correctional centers." The bill further provides that any juvenile community correctional center established after July 1, 2020, shall (i) be located within a locality in which at least five percent of all juvenile commitments occur statewide, using an average of the rate of commitments of three consecutive years, and (ii) be designed to confine 30 juveniles or fewer. The bill also states that the Department shall place children at the juvenile community correctional center located closest to their primary residence and within one hour of such residence via motor vehicle and within one and one-half hours of such residence via public transportation. If such placement is not available, the Department shall use an alternative placement that is closest to the juvenile's primary residence, such as a local juvenile detention center. Under current law, the Department may place such children at such facilities as are available.

Patron - Ward

Carried Over

C SB1033 Juvenile community correctional centers and facilities; establishment; placement of juveniles. Changes the term "juvenile correctional centers and facilities" to "juvenile community correctional centers and facilities." The bill further provides that any juvenile community correctional center established after July 1, 2020, shall (i) be located within a locality in which at least five percent of all juvenile commitments occur statewide, using an average of the rate of commitments of the three most recent consecutive years, and (ii) be designed to confine 30 juveniles or fewer. The bill also states that the Department of Juvenile Justice shall place children at the juvenile community correctional center located closest to their primary residence and within one hour of such residence via motor vehicle and within one and one-half hours of such residence via public transportation. If such placement is not available, the Department shall use an alternative placement that is closest to the juvenile's primary residence, such as a local juvenile detention center. Under current law, the Department may place such children at such facilities as are available.

Patron - Locke

Labor and Employment

Passed

P HB56 Minimum wage; tipped employees; classification. Prohibits an employer from classifying an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips.

Patron - Carter

P HB123 Nonpayment of wages; cause of action; penalties. Provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages to an employee, the court shall award the employee (i) reasonable attorney fees and

other costs and (ii) an amount equal to triple the amount of wages due.

Patron - Carroll Foy

P HB330 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 bill 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 provides that if the court finds a violation of the bill's provisions, the plaintiff is entitled to recover reasonable costs, including reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff. The bill requires all employers to post in the workplace a notice of the 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. The provisions of the bill are applicable to covenants not to compete entered into on or after July 1, 2020. This bill is identical to SB 480.

Patron - VanValkenburg

P HB336 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 and that information 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. This bill is identical to SB 49.

Patron - Price

P HB337 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. This bill is identical to SB 48.

Patron - Price

P HB395 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers. This bill incorporates HB 433, HB 583 and HB 615 and is identical to SB 7. This bill received Governor's recommendations.

Patron - Ward

P HB582 Labor and employment; collective bargaining; employees of counties, cities, and towns. Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. This bill is identical to SB 939. This bill received Governor's recommendations.

Patron - Guzman

P HB622 Limiting employees' sharing of wage information prohibited; civil penalty. Prohibits an employer from discharging or taking other retaliatory action against an employee because the employee inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation. Violations are subject to a civil penalty of \$100. This bill received Governor's recommendations.

lations are subject to a civil penalty of \$100. This bill received Governor's recommendations.

Patron - Hurst

P HB689 Wage payment statements. Limits the scope of the requirement enacted in 2019 that requires periodic wage payment statements to show the number of hours worked during the pay period. The measure requires the statement (i) to show the number of hours worked if the employee is either (a) paid on the basis of the number of hours worked or (b) paid on the basis of a salary that is less than the standard salary level adopted by the U.S. Department of Labor establishing an exemption from the overtime premium pay requirements of the federal Fair Labor Standards Act and (ii) to include sufficient information to enable the employee to determine how the gross and net pay were calculated. The measure contains an emergency clause.

Patron - Aird

P HB798 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 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 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 governmental 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

P HB833 Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. This bill is identical to SB 8. This bill received Governor's recommendations.

Patron - Carroll Foy

P HB984 Misclassification of workers; cause of action. Authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines. This bill is identical to SB 894.

Patron - Delaney

P HB1199 Employee misclassification; retaliatory actions prohibited; civil penalty. Prohibits an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measure also prohibits such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages. This bill is identical to SB 662.

Patron - Tran

P HB1252 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. This bill received Governor's recommendations.

Patron - Scott

P HB1514 Virginia Human Rights Act; racial discrimination; hair. Provides that the terms "because of race" and "on the basis of race," and terms of similar import, when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists. This bill is identical to SB 50.

Patron - McQuinn

P SB7 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027,

and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers. This bill is identical to HB 395. This bill received Governor's recommendations.

Patron - Saslaw

P SB8 Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. This bill is identical to HB 833. This bill received Governor's recommendations.

Patron - Saslaw

P SB48 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. This bill is identical to HB 337.

Patron - Spruill

P SB49 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 and that information 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. This bill is identical to HB 336.

Patron - Spruill

P SB50 Virginia Human Rights Act; racial discrimination; hair. Provides that the terms "because of race" and "on the basis of race," and terms of similar import, when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists. This bill is identical to HB 1514.

Patron - Spruill

P SB78 Minimum wage; pay based on work done. Eliminates the exemption to Virginia's minimum wage requirements for persons who normally work and are paid based on the amount of work done.

Patron - Howell

P SB480 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 bill 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 provides that if the court finds a violation of the bill's provisions, the plaintiff is entitled to recover reasonable costs, including reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff. The bill requires all employers to post in the workplace a notice of the 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. The provisions of the bill are applicable to covenants not to compete entered into on or after July 1, 2020. This bill is identical to HB 330.

Patron - DeSteph

P SB662 Employee misclassification; retaliatory actions prohibited; civil penalty. Prohibits an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measure also prohibits such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages. This bill is identical to HB 1199.

Patron - Boysko

P SB804 Virginia Minimum Wage Act; domestic service. Eliminates the exclusion in the Virginia Minimum Wage Act for persons employed in domestic service. The bill requires the Secretary of Commerce and Trade to convene a work group consisting of representatives from the Department of Labor and Industry, the Virginia Employment Commission, the Workers' Compensation Commission, organizations representing domestic workers, and such other stakeholders as the Secretary of Commerce and Trade deems appropriate to make recommendations, including any necessary statutory and regulatory changes, with regard to protecting domestic service employees from workplace harassment and discrimination, providing remedies for such employees for the nonpayment of wages, ensuring the safety and health of such employees in the workplace, and protecting such employees from loss of income as a result of unemployment or employment-related injury by including coverage of such employees in the Virginia Unemployment Compensation Act and the Virginia Workers' Compensation Act.

Patron - McClellan

P SB894 Misclassification of workers; cause of action. Authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines. This bill is identical to HB 984.

Patron - Saslaw

P SB939 Labor and employment; collective bargaining; employees of counties, cities, and towns. Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collec-

tively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. This bill is identical to HB 582. This bill received Governor's recommendations.

Patron - Saslaw

Failed

F HB64 Parental leave for school involvement. Requires employers to grant four hours of leave annually to employees who are parents or guardians of, or who stand in loco parentis to, a school-aged child in order to attend parent-teacher conferences, volunteer at the child's school, or otherwise be involved in the child's school. The employer and employee must mutually agree to the time for the leave, the leave need not be compensated, and the employer may require both 48 hours' advance notice of the leave and written verification from the school of the employee's involvement in the school.

Patron - Miyares

F HB67 Strikes by government employees. Limits to law-enforcement officers the scope of the existing provision that deems any public employee who strikes to have terminated his employment and bars him from further public employment.

Patron - Carter

F HB114 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. This bill was incorporated into HB 833.

Patron - Kory

F HB153 Right to work. 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 in 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.

Patron - Carter

F HB204 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 - Campbell, R.R.

F HB325 Local alternative minimum wage. Establishes a procedure by which a local alternative minimum wage may be imposed in any locality. A local alternative minimum wage requires every employer to pay to each of its employees wages at a rate to be determined by local ordinance for work performed by them within the locality. If the federal minimum wage exceeds the levels specified in a local alternative minimum wage requirement, the federal minimum wage will prevail. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the federal Fair Labor Standards Act and to public employees.

Patron - Levine

F HB326 Employment; wage inquiries; civil penalty. Prohibits any public or private employer from (i) refusing to interview, hire, or employ an applicant for employment because the applicant does not provide wage history; (ii) retaliating against an applicant for employment because the applicant does not provide wage history; or (iii) relying on the wage history of an applicant to determine the wages offered by the employer to such individual. An applicant or employee who is aggrieved by a violation may bring a private action against the employer. In addition, violators are subject to a civil penalty not to exceed \$100 per violation. This bill was incorporated into HB 416.

Patron - Levine

F HB327 Public employees; collective bargaining. Authorizes state and local government officers, agents, and governing bodies to recognize any labor union or other employee association as a bargaining agent of any public officers or employees and to collectively bargain with any such union or association.

Patron - Levine

F HB335 Payroll processing companies; liability. Provides that any payroll processing company or other person that intentionally prevents the distribution by a payroll processing company of an employer's wage payments to its employees in accordance with the terms of the payroll processing company's contract with the employer shall be liable to any employee of the employer who failed to receive an expected payment of wages for an amount that is three times the expected payment of wages.

Patron - Krizek

F HB356 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

[F] HB417 Employment; requiring the purchase or provision of materials. Prohibits any employer, including state or local government, from requiring any employee to purchase from the employer or any other person necessary or required for the employee to perform or complete the work for which he was hired. The measure also prohibits an employer from (i) requiring any employee to furnish, use, or provide at the employee's expense any necessary materials; (ii) deducting the cost or value of any necessary materials provided by the employer from the employee's wages or salary; or (iii) discharging or taking retaliatory action against an employee for certain actions related to a violation.

Patron - Cole, J.G.

[F] HB418 Earned sick leave for employees; civil penalties. Requires employers to provide earned sick leave to employees at a rate of one hour per 30 hours worked, up to 24 hours in any 12-month period. For employers with more than five employees, the employee is paid for sick leave taken; for employers with fewer than five employees, not more than 32 hours of sick leave in a year are required to be paid leave. The measure authorizes the Commissioner of Labor and Industry to impose a civil penalty of not more than \$1,000 for a violation.

Patron - Cole, J.G.

[F] HB433 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.00 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$13.00 per hour effective January 1, 2023; and to \$15.00 per hour effective January 1, 2024, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective January 1, 2025, the minimum wage shall be adjusted annually to reflect annual 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 and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body. This bill was incorporated into HB 395.

Patron - Carroll Foy

[F] HB439 Relocation of call centers to a foreign country; notification requirements. Requires certain call centers that intend to relocate operations from the Commonwealth to a foreign country to give the Commissioner of Labor and Industry at least 120 days' prior notice. The measure requires the Commissioner to compile a semiannual list of all employers that relocate a call center from the Commonwealth to a foreign country and to distribute the list to state agencies. Subject to exceptions, an employer that appears on the list is (i) ineligible for five years for any direct or indirect grants of state funds, any loans from or guaranteed by the state, or any tax credit or reduction in tax liability and (ii) required to repay any financial incentives the employer has previously received. The measure requires new state agency contracts for the performance of state business-related call center and customer service work to provide that such work will be performed entirely within the Commonwealth.

Patron - Heretick

[F] HB482 Nonpayment of wages; private action. Affirms that an employee has cause of action against an employer who fails to pay wages to recover the wages and pre-judgment interest at eight percent annually from the date the wages were due. 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 court 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 reasonable attorney fees and court costs plus an additional sum equal to the amount of wages due.

Patron - Kory

[F] HB550 Minimum wage; tipped employees. Requires employers to pay a tipped employee at a rate not less than the minimum wage set forth in the Virginia Minimum Wage Act for time that the tipped employee regularly performs services in the course of his employment for which there is no reasonable expectation that the employee will receive tips. The measure eliminates the ability of an employer to apply the tip credit for untipped portions of the work performed by an employee who regularly receives more than \$30 a month in tips. Under current federal law, the minimum cash wage for tipped employees is \$2.13 and the maximum tip credit that an employer can currently claim is \$5.12 per hour based on a minimum wage of \$7.25 per hour.

Patron - Ward

[F] HB583 Minimum wage; farm workers. Eliminates the exemptions to Virginia's minimum wage requirements for persons employed as a farm laborer or farm employee. This bill was incorporated into HB 395.

Patron - Guzman

[F] HB615 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, 2021, 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. This bill was incorporated into HB 395.

Patron - Plum

[F] HB801 Worker classification; penalties. Prohibits a contractor from classifying an individual who performs delivery services or construction labor services for the contractor as the contractor's independent contractor if he is an employee of the contractor. An individual performing such services for a contractor shall be presumed to be an employee of the contractor unless it is shown to the satisfaction of the Commissioner of Labor and Industry that (i) the individual has been and will continue to be free from control or direction over the performance of the services performed by the individual for wages, both under his contract of service and in fact; (ii) the services are either outside the usual course of the business for which such services are performed or such services are performed outside of all the places of business of the enterprise for which such services are performed; and (iii) such individual is customarily engaged in an independently established trade, occupation, profession, or business. Other factors applicable to such a determination in the case of an individual performing construction labor services are whether the individual maintained a workplace that is subject to inspection pursuant to occupational safety and health laws and whether the individual has been assigned an experience rating tax rate for purposes of unemployment compensation. Violators are subject to civil penalties and debarment from public contracts. The measure requires a contractor entering into a public contract to provide an affidavit, under penalty of perjury, attesting that (a) each individual performing delivery services or construction labor services is

properly classified; (b) the contractor has completed a federal I-9 immigration form and has such form on file for each employee; (c) the contractor has complied with requirements for participation with the E-verify program for each employee; (d) the contractor has no reasonable basis to believe that any individual performing services for such contractor is an undocumented worker; and (e) the contractor is not barred from contracting with the public body.

Patron - Delaney

F HB802 Employment; wage inquiries; prohibited retaliatory action. Prohibits any public or private employer from (i) refusing to interview, hire, or employ an applicant for employment because the applicant does not provide wage history; (ii) retaliating against an applicant for employment because the applicant does not provide wage history; or (iii) relying on the wage history of an applicant to determine the wages offered by the employer to such individual. An applicant or employee who is aggrieved by a violation may bring a private action against the employer. The measure also prohibits an employer from taking other retaliatory action against an employee because the employee (a) reports a violation or suspected violation of any law to a supervisor or to any governmental body or law-enforcement official; (b) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (c) refuses to engage in a criminal act that would subject the employee to criminal liability; (d) refuses an employer's order to perform an action that the employee believes violates any law; (e) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation into any alleged violation by the employer; or (f) makes a prohibited wage inquiry. This bill was incorporated into HB 416.

Patron - Delaney

F HB898 Earned paid sick time. Requires public and private employers with six or more employees to provide those employees with earned paid sick time. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The measure

has a delayed effective date of January 1, 2021. This bill incorporates HB 418 and HB 1684.

Patron - Guzman

F HB1535 Overtime compensation; penalties. Requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The sanctions for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally.

Patron - Samirah

F HB1600 Leave for volunteer firefighters and emergency medical services providers. Requires private employers to allow volunteer firefighters and volunteer emergency medical services providers to take leaves of absence from their employment at times when the employee leaves work, or is late for work, due to the employee's providing emergency services as a volunteer firefighter or volunteer emergency medical services provider for or on behalf of, and within the scope of his duties with, his volunteer fire department, or is returning from providing such emergency services. This provision does not apply if the absence of employees from the place of employment reduces the number of employees remaining on the job or at work at such place of employment by 50 percent or more. The bill allows employers to treat such leaves of absence as unpaid leave. Employers are prohibited from requiring such employee to exhaust any other leave to which he is entitled prior to such leaves of absence. The bill provides that if such an employee fails to provide the employer, upon request, with verification from the chief or deputy chief of the employee's volunteer fire department that the employee was providing such services, or returning from providing them, during the time that the employee took a leave of absence, the employee shall not thereafter be entitled to take such leave.

Patron - Edmunds

F HB1684 Earned paid sick time. Requires public and private employers with 25 or more employees to provide those employees with earned paid sick time. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to

collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The measure also prohibits an employer of any size from discharging an employee for taking unpaid absences totaling more than 16 hours in a year for a purpose described in clauses (i) through (iv). The measure has a delayed effective date of January 1, 2021.

Patron - Sickles

[F] SB73 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.00 per hour effective July 1, 2020; to \$13.00 per hour effective July 1, 2021; and to \$15.00 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 Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.

Patron - Locke

[F] SB79 Minimum wage; tipped employees. Provides that the cash wage paid to a tipped employee, as defined in the bill, 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

[F] SB81 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.75 per hour, effective July 1, 2020; to \$10.75 per hour, effective July 1, 2021; to \$11.75 per hour, effective July 1, 2022; to \$12.75 per hour, effective July 1, 2023; to \$14 per hour, effective July 1, 2024; and to \$15 per hour, effective July 1, 2025, 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 public employees.

Patron - Marsden

[F] SB371 Apprentice agreements; ratio of journeymen to apprentices. 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

[F] SB426 Fair share fees. Authorizes an employer, pursuant to an agreement between the employer and a labor union or labor organization, to require as a condition of employment any employee who is not a member of such labor union or labor organization and is a member of a collective bargaining unit, where the labor union or labor organization is the exclusive representative of the members of the collective bargaining unit, to pay a fair share fee to compensate the labor union or labor organization for the costs of representing the nonmember employee. The bill defines a "fair share fee" as the pro rata share of the portion of a labor union's or labor organization's dues attributable to activities stemming from its duty to represent all employees in a collective bargaining unit without regard to membership in the labor union or labor organization, including (i) the cost of all activities germane to collective bargaining, administration, and enforcement of collective bargain-

ing agreements; (ii) representation of employees before public bodies in matters that are germane to either collective bargaining agreements or employer-employee relations; (iii) representation of employees during grievance procedures; and (iv) labor union or labor organization governance and administration. Under the bill, a fair share fee does not include the cost of any political activities, lobbying, organizing, charity, donations, or community service activities undertaken by the labor union or labor organization, and in no case will the fair share fee exceed 60 percent of dues required of a similarly situated member of such labor union or labor organization.

Patron - Saslaw

[F] SB481 Earned paid sick time. Requires public and private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill prohibits employers from taking certain retaliatory actions against employees related to leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The bill has a delayed effective date of January 1, 2021, and incorporates SB 1069.

Patron - Favola

[F] SB816 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.50 per hour, effective July 1, 2020; to \$9.75 per hour, effective July 1, 2021; to \$11 per hour, effective July 1, 2022; to \$12.25 per hour, effective July 1, 2023; to \$13.50 per hour, effective July 1, 2024; and to \$15 per hour, effective July 1, 2025, 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 public employees.

Patron - Morrissey

[F] SB1022 Collective bargaining for public employees. Repeals the existing prohibition on collective bargaining

by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

Patron - Boysko

F SB1069 Earned paid sick time. Requires public and private employers with 25 or more employees to provide those employees with earned paid sick time. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninety-ninth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The measure also prohibits an employer of any size from discharging an employee for taking unpaid absences totaling more than 16 hours in a year for a purpose described in clauses (i) through (iv). The measure has a delayed effective date of January 1, 2021. This bill was incorporated into SB 481.

Patron - Barker

Carried Over

C HB333 Virginia Minimum Wage Act; exclusions. Eliminates the exclusion in the Virginia Minimum Wage Act for persons whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability.

Patron - Krizek

C HB338 Virginia Minimum Wage Act; exemption. Removes the exemption from the Virginia Minimum Wage Act for persons employed in domestic service or in or about a pri-

vate home or in an eleemosynary institution primarily supported by public funds.

Patron - Price

C HB339 Minimum wage; exemptions. Removes the exemption from the Virginia Minimum Wage Act for individuals who are employed by an employer that does not have four or more persons employed at any one time.

Patron - Price

C HB403 Safe days for employees. Requires private employers to allow an employee safe days, with pay, if the employee is a victim of domestic violence, sexual assault, or stalking or is a family member of a victim of domestic violence, sexual assault, or stalking. Employers are required to provide employees with four safe days per year if the employee has fewer than 120 consecutive months of employment with the employer and five safe days if the employee has 120 or more consecutive months of employment with the employer. "Safe days" are leave from work that is used to allow the employee to obtain for the employee or the employee's family member, as applicable, (i) medical attention needed to recover from physical or psychological injury or disability caused by domestic violence or sexual assault; (ii) psychological or other counseling; (iii) relocation due to domestic violence, sexual assault, or stalking; or (iv) legal services. Employers are prohibited from discharging or discriminating against an employee because the employee exercises the right to safe days. Employees may bring a private action against an employer that violated these provisions.

Patron - Keam

C HB416 Wage or salary history inquiries prohibited; civil penalty. Prohibits a prospective employer with 25 employees or more from (i) requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history, (ii) attempting to obtain the wage or salary history of a prospective employee from the prospective employee's current or former employers, (iii) requesting a prospective employee to complete an application for employment that includes a question inquiring about the prospective employee's wage or salary history, or (iv) asking a prospective employee in an employment interview any question intended to obtain information about the prospective employee's wage or salary history. Violations are subject to a civil penalty not to exceed \$100 per violation. This bill incorporates HB 326 and HB 802.

Patron - Cole, J.G.

C HB800 Employment; disclosure of terms. Requires every employer of employees who are 18 years of age or older who work for daily wages or are employed to work on a project for a total of 10 days or less, with some exceptions specified in the measure, to furnish to such employees, at the time of the employee's hiring, a written disclosure of information regarding the terms of employment, including the name and address of the employer, the rate of pay and basis thereof, and the regular payday. The measure also requires employers to notify its employees in writing of any changes to this information.

Patron - Delaney

C HB805 Employment health and safety standards; heat illness prevention. Requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness. The measure directs the standards to apply to all indoor and outdoor places of employment and require employers to provide water, shade or a climate-controlled environment, rest periods of 15 to 45 minutes per hour, training, and emergency response procedures. The standards are also directed to require employers in

certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer. The measure requires employers to pay employees one additional hour of pay at his regular compensation for each workday that it fails to provide the employee with a required rest period. The measure authorizes a person to bring a court action based on a violation in which he may seek to obtain injunctive relief; to recover damages of \$500 or actual monetary loss, whichever is greater; or both.

Patron - Ward

HB1112 Employment; covenants not to compete. Declares that any contract, including a provision of an employment agreement, entered into on or after July 1, 2020, by which an employee is restrained from engaging in a lawful profession, trade, or business for a specified period of time, in a specified geographical area, or for another employer is contrary to public policy and void.

Patron - Hudson

HB1215 Biometric data; employer policy on storage, protection, and destruction; civil penalty. Establishes the parameters for the capture and safekeeping of biometric data by employers. The bill defines "biometric data" as a retina or iris scan, fingerprint, voiceprint, record of hand or face geometry, or any other means of information, regardless of how it is captured or stored, that is used to identify an individual based on biological identifiers. Once the purpose for capturing the data is complete, or after three years from the date it is last used for its initial purpose, whichever occurs first, the biometric data must be destroyed. An employer who violates the requirements of the bill is subject to a civil penalty of not more than \$25,000 for each violation. The bill also provides a right of action against employers who violate the parameters of capturing and safekeeping biometric data.

Patron - Tran

HB1543 Minimum wage and workers' compensation; inmates as employees. Requires the entity that operates the correctional facility at which an inmate performs labor to be paid therefor at a rate not less than the Commonwealth's minimum wage. The measure also provides that, for purposes of the Virginia Workers' Compensation Act, an inmate is an employee of the entity operating the correctional facility where the inmate participates in any work program during his incarceration.

Patron - Carter

HB1730 Employment; domestic service; Human Rights Act. Provides that individuals who are engaged in providing domestic service are not excluded from employee protection laws, laws regarding payment of wages, the Virginia Unemployment Compensation Act, and the Virginia Workers' Compensation Act. The measure removes all exemptions, including the exemption for individuals employed in domestic service, from the Virginia Minimum Wage Act. The measure also eliminates all limitations on private causes of action for violations of the Virginia Human Rights Act.

Patron - Gooditis

SB346 Department of Professional and Occupational Regulation; contractors; boiler and pressure vessel operator license. Creates a two-tiered category of licensure administered by the Department of Professional and Occupational Regulation's Board for Contractors for any person who has primary responsibility for maintaining boiler, unfired pressure vessel, and water heater operations in a multifamily dwelling unit.

Patron - Bell

SB411 Employment health and safety standards; heat illness prevention. Requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness. The measure directs the standards to require employers to provide water, shade, rest periods, training, and emergency response procedures. The standards are also directed to require employers in certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer. The measure requires employers to pay employees one additional hour of pay at his regular compensation for each workday that it fails to provide the employee with five-minute rest period every hour or every half hour if the temperature is 90 degrees Fahrenheit or warmer.

Patron - Hashmi

SB427 Employee protection; discharge for protective order prohibited. Prohibits an employer from discharging, taking other retaliatory personnel action, or otherwise discriminating against an employee solely on the basis that such employee has filed for or has been issued an emergency protective order or a preliminary protective order against the employer or another employee of such employer. The bill establishes an administrative process for an employee that believes he has been discharged or discriminated against in violation against such prohibition.

Patron - Saslaw

SB660 Virginia Equal Pay Act; civil penalties. Prohibits public and private employers from discriminating between employees on the basis of membership in a protected class in the payment of wages or other compensation, including benefits, by paying wages or other compensation to employees who are members of a protected class at a rate less than the rate at which it pays wages or other compensation to employees who are not members of the protected class for substantially similar work. The measure also prohibits an employer from (i) discriminating between employees by providing less favorable employment opportunities on the basis of membership in a protected class, (ii) limiting an employee's right to discuss wages, (iii) relying on the wage history of a prospective employee in considering the prospective employee for employment or determining the wages that the prospective employee is to be paid by the employer upon hire, or (iv) taking certain retaliatory actions against an employee. The measure also establishes criteria for when wage differentials between employees are permitted. The measure requires employers to (a) provide a prospective employee with the wage range for the position for which the prospective employee is applying upon request or prior to inquiring about the prospective employee's wage expectations or providing an offer of compensation and (b) maintain records of the wages and wage rates, job classifications, and other terms and conditions of employment for a period of three years. The measure gives an employee who is the subject of a violation a right of action to recover, for certain violations, the greater of compensatory damages or \$10,000, liquidated damages, punitive damages, and attorney fees. Violations are also subject to civil penalties.

Patron - Boysko

SB719 Virginia Minimum Wage Act; exclusions. Eliminates the exclusion in the Virginia Minimum Wage Act for persons whose employment is covered by the federal Fair Labor Standards Act (FLSA) and for persons whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability. The measure also exempts, until July 1, 2024, from the Virginia Minimum Wage Act any person who is paid pursuant to a special certificate that provides for the employment of individuals whose earning or productive capac-

ity is impaired by age, physical or mental deficiency, or injury at wages lower than the minimum wage otherwise required by the FLSA.

Patron - McClellan

Libraries

Passed

P HB404 Public libraries. Provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth.

Patron - Keam

P SB1051 Virginia Public Records Act; availability of certain public records. Provides that upon a petition filed with the clerk, a judge may enter an order releasing any record in the custody of The Library of Virginia that was sealed prior to January 1, 1901. The bill also provides that notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records.

Patron - Deeds

Failed

F HB183 Libraries; assessment for costs in civil actions; disbursement for law libraries. Increases from \$4 to \$7 the maximum assessment a county, city, or town may make as part of the costs incident to each civil action filed in the courts located within its boundaries. Such funds are disbursed by a locality's governing body for the establishment, use, and maintenance of its law library.

Patron - Levine

Mechanics' and Certain Other Liens

Passed

P SB208 Mechanics' liens; right to withhold payment. Specifies that the use of funds paid to a general contractor or subcontractor and used 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

Passed

P HB340 Emergency laws; civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government. Provides a 60-day stay of an unlawful detainer for non-payment of rent for tenants and a 30-day stay of foreclosure proceedings for homeowners of, 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 a closure of the United States government, defined in the bill. The bill requires homeowners and owners who rent to a tenant a one-family to four-family residential dwelling unit to request such stay of foreclosure proceedings within 90 days of a closure of the United States government or 90 days following the end of such closure, whichever is later. This bill received Governor's recommendations.

Patron - Price

P HB420 Department of Emergency Management; review of emergency services and disaster preparedness plans. Directs the Department of Emergency Management (the Department) to review its emergency services and disaster preparedness programs to determine if changes are necessary to address the needs of individuals with limited English proficiency, as defined in the bill, and individuals with access or functional needs. The bill directs the Department to complete its review no later than November 1, 2020, and report its findings to the Chairs of the Senate Committee on General Laws and Technology and the House Committee on General Laws. Such report shall include any recommendations for legislation that would be required to fully address the needs of individuals with limited English proficiency and individuals with access or functional needs.

Patron - Price

P HB1003 Virginia Geographic Information Network. Transfers the support and administration of the 9-1-1 Services Board and Virginia Geographic Information Network Advisory Board from the Virginia Information Technologies Agency to the Virginia Department of Emergency Management. The bill also adds the State Coordinator of Emergency Management to the Virginia Geographic Information Network Advisory Board.

Patron - Subramanyam

P HB1082 Emergency Services and Disaster Law; definition of disaster; incidents involving cyber systems. Defines "cyber incident" for purposes of the Emergency Services and Disaster Law as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. The bill provides that a cyber incident may include a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source. The bill contains technical amendments.

Patron - Hayes

P HB1253 Virginia Defense Force; maximum age for recruitment. Permits the Adjutant General of Virginia to recruit members to the Virginia Defense Force who are between the ages of 65 and 75. Under current law, the Adjutant General is only permitted to retain existing members of the Virginia Defense Force once they have attained the age of 65.

Patron - Scott

P HB1258 Coordinator of emergency services; West Point. Adds the Town of West Point to the towns that have the coordinator of emergency services appointed by the mayor or town manager with consent of the town council.

Patron - Hodges

P SB753 Virginia National Guard; state active duty for emergency response; pay and allowances for members. Provides that whenever called to state active duty in response to certain emergencies, members of the National Guard and the Virginia Defense Force receive pay and allowance equal to their rank and years of service, as determined by the Department of Military Affairs. The bill also authorizes the Adjutant General to increase state active duty pay on an annual basis by a rate not to exceed the most recent percentage increase in basic pay for members of the Armed Forces. Current law provides that (i) officers of the National Guard receive the same pay and allowances as prescribed for members of like rank in the United States Armed Forces, (ii) members of the National Guard receive the same pay and allowances as if they were on a day of Annual Training, and (iii) members of the Virginia Defense Force called to state active duty receive the same pay and allowances as persons of like grade in the National Guard for a day of Annual Training, capped at 25 years of service.

Patron - Reeves

P SB1008 Emergency and disaster law; political subdivisions; emergency medical services. Provides that except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.

Patron - Peake

Failed

F HB604 Virginia National Guard member benefits; health savings accounts. Provides that a member of the Virginia National Guard may elect to receive, in lieu of any tuition assistance grants, a matching contribution from the state to a health savings account. The Department of Military Affairs shall establish a health savings account for any member who elects to receive this benefit. The matching contribution shall equal the member's contribution up to the maximum amount allowable by federal law. In order to qualify, a member must (i) have a minimum remaining obligation of two years, (ii) have satisfactorily completed required initial active duty service, (iii) be satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) be eligible for such an account under federal law. The bill also provides that in the event that a member ceases to be eligible for a health savings account, by reason of being called to active duty military service or otherwise, all contributions from the state shall stop and the Department of Military Affairs shall provide notice to the member of the loss of eligibility.

Patron - Freitas

F HB1718 Virginia National Guard; state active duty for emergency response; pay and allowances for mem-

bers. Establishes rates of pay and allowances for members of the Virginia National Guard and Virginia Defense Force.

Patron - Freitas

Carried Over

C HB959 Establishing a resilience hub pilot program to assist vulnerable communities during emergency situations. Directs the Department of Emergency Management to establish a two-year resilience hub pilot program to assist vulnerable communities during emergency situations. The bill defines a "resilience hub" as a simple combination of solar panels and batteries that ensures continuous power to a publicly accessible building when severe weather events or other grid disruptions cause an electrical outage.

Patron - Bourne

Mines and Mining

Passed

P HB234 Division of Offshore Wind; established. Establishes the Division of Offshore Wind in the Department of Mines, Minerals and Energy and gives it the following powers and duties: (i) to identify specific measures that will facilitate the establishment of the Hampton Roads region as a wind industry hub for offshore wind generation projects in state and federal waters off the United States coast; (ii) to coordinate state agencies' activities related to offshore wind; (iii) to develop and implement a stakeholder engagement strategy that identifies key groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement; (iv) to identify regulatory and other barriers to the deployment of offshore wind and attraction of offshore wind supply chain businesses; and (v) to provide staff support for the Virginia Offshore Wind Development Authority and facilitate fulfillment of the Authority's purpose and duties.

Patron - Mugler

P HB1707 Clean Energy Advisory Board. Expands the membership of the Clean Energy Advisory Board (the Board) from 15 to 17 members. The measure specifies that one of the new members shall be an expert with experience implementing low-income and middle-income incentive and loan programs for distributed renewable energy resources and that the other new member shall be an attorney who maintains a legal practice dedicated to rural development, rural electrification, and energy policy. The measure also repeals the sunset provision for the Board, which is scheduled to expire on July 1, 2022, and directs the Department of Mines, Minerals and Energy, in consultation with the Board, to develop guidelines to administer any public power renewable grant program established by the general appropriation act.

Patron - Aird

P SB258 Persons permitted to work in mines; age requirements. Removes the provision prohibiting persons under 18 years of age from working around any mine and requires the Department of Mines, Minerals and Energy to conform its regulations to federal law with respect to such age requirements. The bill does not affect the existing provision prohibiting persons under 18 years of age from working in any mine.

Patron - Ruff

Failed

F HB1239 Persons permitted to work in mines; age requirements. Removes a prohibition on persons under 18 years of age working in or around any mine, and requires the Department of Mines, Minerals and Energy to conform its regulations to federal law with respect to such age requirements.

Patron - Wilt

F HB1306 Renewable energy storage projects; brownfields and reclaimed lands; regulations. Directs the Department of Mines, Minerals and Energy to adopt regulations allowing appropriate brownfields and lands reclaimed after mining to be developed as sites for renewable energy storage projects.

Patron - Kory

F SB1093 Surface mineral mines; local authority. Authorizes a locality to regulate certain aspects of surface mineral mines including (i) creating a reasonable buffer zone around any blasting area of any surface mineral mine adjacent to or within a reasonable distance of a school, park, or other public gathering space; (ii) approving the plan of operation and the bond requirements for a surface mining operation permit; and (iii) requiring a reasonable decrease in the approved height of a mine refuse pile, provided such decrease will not affect its safety or structural integrity.

Patron - Vogel

Motor Vehicles

Passed

P HB160 Special license plate bearing the legend STOP GUN VIOLENCE; revenue-sharing provisions. Provides that the special license plate bearing the legend STOP GUN VIOLENCE will remain nonrevenue-sharing. Current law provides that such special license plate will become revenue-sharing on July 1, 2020.

Patron - Simon

P HB193 Vehicles used for agricultural and farm purposes; other uses. Authorizes the use of vehicles exempt from vehicle registration and used exclusively for agricultural or horticultural purposes to transport the vehicle owner between his residence and the land where such agricultural or horticultural activities take place. The bill clarifies that farm use of vehicles registered as farm motor vehicles includes transport between the operator's residence and the farm.

Patron - Orrock

P HB211 Special license plate; Air Medal. Creates a special license plate for persons awarded the Air Medal or for unremarried surviving spouses of such persons. An annual \$10 fee, in addition to the prescribed cost of state license plates, will be charged for each set of such plates issued.

Patron - Hurst

P HB411 Department of Motor Vehicles; information for veterans. Requires the Department of Motor Vehicles to offer information on veteran services available in the Commonwealth to any person who identifies himself as a veteran on a document submitted to the Department for the purpose of a driver or vehicle transaction. The bill has a delayed effective date of January 1, 2021.

Patron - Delaney

P HB445 Light units; candlepower to lumens. States the limits on brightness for certain lights in vehicles in lumens. Current law provides such restrictions in candlepower only.

Patron - Robinson

P HB465 Local regulation of certain transportation companies. Extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause.

Patron - Keam

P HB543 Electric power-assisted bicycles. Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. This bill is identical to SB 871.

Patron - Carr

P HB578 Smoking in motor vehicle with a minor present. Expands the group in the presence of whom it is illegal to smoke in a motor vehicle from minors under the age of eight to minors under the age of 15.

Patron - Guzman

P HB593 Special license plates; #TEAMTOMMIE. Authorizes the issuance of revenue-sharing special license plates for supporters of the Richmond Animal Care and Control Foundation bearing the legend #TEAMTOMMIE.

Patron - Bourne

P HB595 Dealer's license plate and special license plate combination. Authorizes the Department of Motor Vehicles to issue, upon request of a licensed dealer and when and in the manner the Commissioner of the Department of Motor Vehicles determines is feasible, a license plate that is a combination of a special license plate and a dealer's license plate.

Patron - Bourne

P HB717 Department of Mines, Minerals and Energy; electric vehicle rebate working group. Establishes a working group to determine the feasibility of an electric vehicle rebate program. The working group will report on its findings and recommendations by November 1, 2020.

Patron - Reid

P HB874 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating

and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021. This bill incorporates HB 377, HB 387, HB 512, and HB and is identical to SB 160.

Patron - Bourne

P HB885 Reckless driving; exceeding speed limit. Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. The bill also provides that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100. This bill incorporates HB 1374 and is identical to SB 63.

Patron - Sickles

P HB909 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, (ii) for non-payment of certain fees owed to a local correctional facility or regional jail, and (iii) for shoplifting motor fuel. This bill is identical to SB 513.

Patron - Hayes

P HB914 Segregation in transportation. Repeals acts of assembly chapters from 1901, 1906, and 1959 requiring and facilitating segregation on railcars, streetcars, and buses. This bill is identical to SB 896.

Patron - Jones

P HB989 Designation of beneficiary on motor vehicle title; multiple owners. Provides a process whereby a motor vehicle, trailer, or semitrailer with multiple owners can be titled with a designated beneficiary. The bill requires the consent of all owners and provides that the transfer of ownership would occur upon the death of the last surviving owner.

Patron - Batten

P HB991 Firefighting equipment; weight limitation on interstate. Requires firefighting equipment to comply with existing weight limitations for emergency vehicles on interstate highways. Current law exempts firefighting equipment from all size and weight limitations. The bill exempts emergency vehicles registered to a federal, state, or local agency or a fire company from any fee typically charged for the issuance of an overweight permit for such vehicle.

Patron - Reid

P HB1066 Signals; overtaking vehicle. Removes the requirement that the driver of an overtaking vehicle use his lights or an audible method to signal to the driver of a slower vehicle to move to the right. The bill does not change the requirement that the slower-moving vehicle move to the right for an overtaking vehicle.

Patron - Adams, D.M.

P HB1092 Department of Motor Vehicles; release of information. Reorganizes and clarifies the responsibilities of the Department of Motor Vehicles regarding the management and distribution of information in its records. The bill limits the release of certain information in the Department's records and authorizes certain notices to be sent electronically

or by postcard. The bill repeals sections of the Code (i) requiring the Department to furnish a certificate linking a license plate number to an individual and (ii) permitting the Department to publish personal information related to certain delinquent accounts online. The bill contains technical amendments and contains an emergency clause.

Patron - Ayala

P HB1126 Abandoned, unattended, or immobile vehicles; minimum weight. Limits the current prohibition on and remedies for abandoned, unattended, or immobile vehicles to vehicles that weigh at least 75 pounds.

Patron - Davis

P HB1196 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. Such person does not have to pay a reinstatement fee. This bill incorporates HB 17 and is identical to SB 1.

Patron - Lopez

P HB1211 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 or been claimed as a dependent 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 limits the release of certain information stored by the Department. 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 authorizes 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 information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. This bill incorporates SB 643 and is identical to SB 34. This bill received Governor's recommendations.

Patron - Tran

P HB1259 Regulation of parking by certain counties and towns. Adds the County of Frederick and the Town of West Point to the list of counties and 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.

Patron - Hodges

P HB1348 Overweight permits; forest products.

Clarifies that the definition of forest products for the purpose of qualifying for an overweight permit for hauling forest products includes wood pellets. This bill is identical to SB 328.

Patron - Tyler

P HB1427 Passing stopped school bus; vendor; administrative fee. Authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle. The bill contains technical amendments.

Patron - Krizek

P HB1442 Photo speed monitoring devices; civil penalty. Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police. This bill incorporates HB 621 and HB 1721. This bill received Governor's recommendations.

Patron - Jones

P HB1511 Towing fees. The bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25.

Patron - McQuinn

P HB1577 Tow truck drivers; criminal history. Authorizes the Department of Criminal Justice Services, at its discretion, to issue 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 provided that such conviction occurred more than 15 years prior to the date of application. The bill does not change the existing prohibition on issuing a tow truck driver registration to a person required to register as a sex offender. This bill received Governor's recommendations.

Patron - Wyatt

P HB1666 Voluntary registry for people with disability that impairs communication; vehicle registration. Authorizes an individual with a disability that can impair com-

munication to voluntarily indicate such disability on his application for registration of a motor vehicle. The bill requires the Department of Motor Vehicles to share this indication with criminal justice agencies.

Patron - Hayes

P SB1 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. Such person does not have to pay a reinstatement fee. This bill incorporates SB 10, SB 514, and SB 814 and is identical to HB 1196.

Patron - Stanley

P SB34 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 or been claimed as a dependent 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 limits the release of certain information stored by the Department. 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 authorizes 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 information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. This bill incorporates SB 643. This bill is identical to HB 1211.

Patron - Surovell

P SB63 Reckless driving; exceeding speed limit. Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. The bill also provides that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100. This bill is identical to HB 885.

Patron - Suetterlein

P SB87 Special license plates; VB STRONG. Authorizes the issuance of special license plates for supporters of the City of Virginia Beach bearing the legend VB STRONG. The deadline for the receipt of 450 prepaid applications is November 1, 2020.

Patron - DeSteph

P SB160 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021. This bill incorporates SB 136 and SB 944 and is identical to HB 874.

Patron - Surovell

P SB246 Department of Motor Vehicles; sex designation. Requires the Department of Motor Vehicles to offer any applicant the option to mark "male," "female," or "non-binary" when designating the applicant's sex on an application for a driver's license or special identification card.

Patron - Surovell

P SB289 Driver's license designation; traumatic brain injury. Requires the Department of Motor Vehicles, upon the request of the applicant and presentation of a form completed by a licensed physician confirming the applicant's condition, to designate a traumatic brain injury on the applicant's driver's license.

Patron - Deeds

P SB290 Commercial driver's licenses; entry-level driver training. Makes changes to Chapter 750 of the Acts of Assembly of 2019 necessitated by federal regulatory action delaying the compliance date for certain provisions of that act.

Patron - Deeds

P SB328 Overweight permits; forest products. Clarifies that the definition of forest products for the purpose of qualifying for an overweight permit for hauling forest products includes wood pellets. This bill is identical to HB 1348.

Patron - Lucas

P SB437 Bicyclists and other vulnerable road users; penalty. Provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances. This bill received Governor's recommendations.

Patron - Surovell

P SB513 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, (ii) for non-payment of certain fees owed to a

local correctional facility or regional jail, and (iii) for shoplifting motor fuel. This bill is identical to HB 909.

Patron - Edwards

P SB524 Motor vehicle dealer advertising. Repeals provisions of the Motor Vehicle Dealer Act (the Act) that state the intent of the article as it relates to advertising and provide that the Commissioner of the Department of Motor Vehicles is solely responsible for the enforcement of the article. The bill retains existing language clarifying that the authority granted in the Act is in addition to the authority granted pursuant to the Virginia Consumer Protection Act. This bill is a recommendation of the Virginia Code Commission.

Patron - McDougle

P SB525 Width requirements for passenger buses. Repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board may permit certain counties to operate passenger buses wider than 96 inches but no wider than 102 inches. Existing law prohibits vehicles other than school buses from exceeding 102 inches in total outside width and prohibits school buses from exceeding 100 inches in total outside width. This bill is a recommendation of the Virginia Code Commission.

Patron - McDougle

P SB527 Virginia Commercial Driver's License Act; intent and purpose. Repeals the statement of intent and purpose in the Virginia Commercial Driver's License Act (the Act). The bill does not affect any substantive provisions of the Act. This bill is a recommendation of the Virginia Code Commission.

Patron - McDougle

P SB556 Speeding fines; certain roads. Adds a \$15 penalty, in addition to all other penalties, for driving in excess of the posted speed limit on U.S. Routes 15 and 17 in Fauquier County, when such additional penalty is indicated by appropriately placed signs.

Patron - Vogel

P SB562 Rebuilt vehicles; issuance of title. Allows a title to be issued for a rebuilt vehicle without an inspection by the Department of Motor Vehicles if (i) the rebuilder has been licensed as an auto recycler, salvage pool, or vehicle removal operator in good standing for at least 10 years, (ii) the rebuilt vehicle is at least 10 years old but is not an antique motor vehicle, and (iii) the resale value of the rebuilt vehicle is less than \$10,000.

Patron - Ruff

P SB711 Driving while license, permit, or privilege to drive suspended or revoked; mandatory minimum. Eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license.

Patron - McClellan

P SB735 Peer-to-peer vehicle sharing platforms. Establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms, defined in the bill. This bill received Governor's recommendations.

Patron - Newman

P SB758 Electric personal delivery devices. Makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 500 pounds. The bill allows localities

to regulate the use of personal delivery devices on sidewalks, crosswalks, or roadways but requires a locality to allow a personal delivery device to operate on the side of a roadway with a speed limit of 25 miles per hour or less if a sidewalk is not available. This bill received Governor's recommendations.

Patron - Marsden

P SB761 Department of Motor Vehicles; driver's license eligibility. Authorizes the Department of Motor Vehicles to issue a limited-duration driver's license, permit, or special identification card to an applicant with a valid, unexpired Employment Authorization Document.

Patron - Barker

P SB871 Electric power-assisted bicycles. Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. This bill is identical to HB 543.

Patron - Marsden

P SB896 Segregation in transportation. Repeals acts of assembly chapters from 1901, 1906, and 1959 requiring and facilitating segregation on railcars, streetcars, and buses. This bill is identical to HB 914.

Patron - Ebbin

P SB1035 Motor vehicle dealers; motorcycle franchises. Redefines "relevant market area" for purposes of motorcycle franchises. The bill also removes the burden of proof from a motor vehicle dealer in a hearing related to a motorcycle franchise license.

Patron - DeSteph

Failed

F HB16 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. This bill was incorporated into HB 1414.

Patron - Krizek

F HB17 Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of

fines or costs. Such person does not have to pay a reinstatement fee. This bill was incorporated into HB 1196.

Patron - Carroll Foy

F HB81 Department of Motor Vehicles; examination of driver fitness. Prohibits the Department of Motor Vehicles from reexamining a driver who has already submitted to a driver fitness examination and been deemed fit to drive, unless there is good cause to believe that the driver's condition has deteriorated.

Patron - Cole, M.L.

F HB90 Window tinting; vehicles used in the course of business by private investigators, bail bondsmen, and bail enforcement agents. Allows licensed private investigators, licensed bail bondsmen, and licensed bail enforcement agents to apply tinting films to darken certain windows of vehicles used in the course of business to a minimum of 20 percent light transmittance. Current law allows light transmittance minimums of 50 or 35 percent, depending on the window. The bill contains technical amendments.

Patron - Cole, M.L.

F HB130 Motor vehicle safety inspection program. Abolishes the state motor vehicle safety inspection program.

Patron - McNamara

F HB170 Commercial motor vehicles; use of specific global positioning systems. Requires certain commercial motor vehicles to be equipped with global positioning systems (GPS) specifically designed for such vehicles. The bill requires the GPS to be used unless the vehicle is being operated on the interstate.

Patron - Austin

F HB247 Infliction of injury on pedestrians and wheel chair users; penalties. Increases from a traffic infraction to a Class 2 misdemeanor the penalty for failure to obey traffic lights or stop for pedestrians when such failure results in the death or serious bodily injury of a pedestrian or wheel chair user.

Patron - Levine

F HB261 Suspension of driver's license for nonpayment of fines or costs. Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan.

Patron - Lopez

F HB344 Exhaust system; aftermarket exhausts. Authorizes the use of aftermarket exhaust systems in motor vehicles, provided that such system is appropriate for the motor vehicle and prevents a level of noise above the accepted industry standard. The bill requires the Department of State Police to enact and maintain regulations setting an industry standard noise level for exhaust systems.

Patron - Bell

F HB377 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any

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

Patron - Willett

[F] HB387 Use of handheld personal communications devices; school zones and school property; penalty. Adds school crossing zones and school property to the locations in which a driver is prohibited from holding a handheld personal communications device in his hand while driving a motor vehicle, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits (i) the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating and (ii) the holding of a handheld personal communication device in a highway work zone, with the same exceptions. This bill was incorporated into HB 874.

Patron - Edmunds

[F] HB490 Farm vehicles; use. Prohibits the nonfarm use of vehicles registered as a farm motor vehicle. Current law permits the use of such vehicles (i) by the owner or his immediate family for attending church or school, securing medical treatment or supplies, and securing other household or family necessities and (ii) by volunteer emergency medical services personnel and volunteer firefighters for responding to calls, reporting for duty, or attending meetings or drills.

Patron - Marshall

[F] HB497 Registration fees for vehicles not designed or used for transportation of passengers. Exempts trucks weighing less than 26,000 pounds from the additional truck registration fee. The bill also exempts trucks, regardless of weight, that are driven less than 25,000 miles per year.

Patron - Marshall

[F] HB512 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. This bill was incorporated into HB 874.

Patron - Bulova

[F] HB565 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) presents an unexpired passport. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual

to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021.

Patron - Bloxom

[F] HB616 Vehicle headlights; required 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

[F] HB621 Speed monitoring systems; local ordinances. Provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at residence districts, school crossing zones, and highway work zones. The procedures for operating a speed monitoring system and issuing summonses to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. This bill was incorporated into HB 1442.

Patron - Willett

[F] HB635 Traffic incident management vehicles. Adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights. This bill was incorporated into HB 983.

Patron - LaRock

[F] HB638 Department of Motor Vehicles; religious exemption; social security number. Provides that a person with a sincerely held religious belief prohibiting the use of a

social security number is exempt from providing such number to the Department of Motor Vehicles in order to obtain a driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card. In addition, until January 1, 2021, when a person who qualifies for such exemption applies for a reissuance of such license, permit, or card, the Department is authorized to remove the applicant's social security number on file with the Department, if the applicant requests such removal.

Patron - Hurst

F HB667 Habitual offenders; driving while intoxicated. Decreases the penalty for driving while intoxicated while a habitual offender revocation is in effect, provided that such driving does not endanger the life, limb, or property of another, from a felony with a mandatory minimum of one year confinement to a Class 1 misdemeanor with a mandatory minimum of 10 days confinement.

Patron - Mullin

F HB675 License restrictions for minors; use of handheld personal communications devices. Clarifies that the prohibition on the use of a wireless communications device by the holder of a provisional driver's license applies whether or not the device is being used for communication purposes. The bill exempts the use of applications for solely navigation purposes and global positioning systems provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle.

Patron - Robinson

F HB741 Special license plates; PROFESSIONAL ENGINEER. Authorizes the issuance of special license plates for supporters of professional engineers bearing the legend PROFESSIONAL ENGINEER.

Patron - Watts

F HB767 Local regulation of parking; certain vehicles. Decreases from 12,000 to 10,000 pounds the minimum gross vehicle weight rating for which certain localities may regulate or prohibit the parking of a vehicle on a public highway in a residence district. The bill adds Frederick County to the list of localities that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district.

Patron - LaRock

F HB891 Peer-to-peer vehicle sharing platforms; regulation; insurance; taxation. Establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill.

Patron - Sickles

F HB940 Speed limits for certain large vehicles; U.S. Route 17. Sets the maximum speed limit on U.S. Route 17 between the Town of Warrenton and the census-designated place of Marshall in Fauquier County at 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle and 45 miles per hour if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Patron - Webert

F HB946 Speeding fines; doubled on certain roads in Fauquier County. Doubles the fines for speeding on U.S. Route 15 and U.S. Route 17 in Fauquier County.

Patron - Webert

F HB978 Improper driving. Provides that a person is guilty of improper driving if he drives without (i) giving his full time and attention to the operation of the vehicle or (ii) keeping the vehicle under proper control at all times. Current law allows a court to lower a charge of reckless driving to improper driving but does not allow law enforcement to charge a person with improper driving, under the bill, a traffic infraction punishable by a fine of not more than \$500.

Patron - LaRock

F HB983 Traffic incident management vehicles. Authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with sirens and flashing red or red and white secondary warning lights and to be exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. This bill incorporates HB 635.

Patron - Delaney

F HB1236 Lane filtering; motorcycles. Authorizes the operator of a two-wheeled motorcycle to pass another vehicle that is stopped or traveling at no more than 10 miles per hour in the same lane, provided that there are at least two lanes of travel in each direction, such motorcycle does not exceed a speed of 20 miles per hour, and the operator executes such passing safely.

Patron - Wilt

F HB1245 Toll lane enforcement; Midtown Tunnel and Downtown Tunnel. Prohibits the Department of Motor Vehicles from suspending a person's registration certificates or licenses plates due to unpaid tolls when such toll violations occurred at the Midtown Tunnel or Downtown Tunnel connecting the Cities of Norfolk and Portsmouth.

Patron - Jenkins

F HB1278 Special license plates; NATIVE AMERICAN HERITAGE. Authorizes the issuance of revenue-sharing special license plates for supporters of the Native American Rights Fund bearing the legend NATIVE AMERICAN HERITAGE.

Patron - O'Quinn

F HB1374 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 of the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit. This bill was incorporated into HB 885.

Patron - Campbell, J.L.

F HB1396 Interior lights; operator requirements. Requires the operator of a motor vehicle, auticycle, 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

F HB1439 Transportation safety. Adopts several initiatives related to transportation and safety, including (i) making it illegal to possess an open container of alcohol in a motor vehicle; (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense; (iii) prohibiting the use of handheld personal communication devices; (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine; and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The bill directs the Commissioner of the Department of Motor Vehicles to establish an advisory committee to oversee education and training materials and implementation and enforcement of policies such as the bill's safety belt and handheld personal communications device provisions. The bill decreases the frequency of vehicle inspections from every 12 months to every 24 months. The bill contains numerous technical amendments.

Patron - Jones

F HB1455 Invoice for unpaid tolls; mail. Authorizes toll facility operators to mail invoices for two or more unpaid tolls by first-class mail or certified mail. The bill provides that a rebuttable presumption that the owner or operator of the vehicle has received the invoice is created if the toll facility operator presents either a United States postal certificate of mailing or a certificate of service confirming such mailing.

Patron - Heretick

F HB1476 Motor vehicle dealers; advertising. Prohibits motor vehicle dealers from advertising a vehicle's odometer reading or vehicle miles traveled unless such reading is accurate and such advertisement is updated if the odometer reading or vehicle miles traveled subsequently increases by at least 100 miles.

Patron - LaRock

F HB1539 Peer-to-peer vehicle sharing platforms. Establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms, defined in the bill.

Patron - Jones

F HB1588 Oversize and overweight vehicles; route designation; City of Lexington. Requires an entity issuing an oversize or overweight permit to a vehicle that is traveling through or near the City of Lexington, when the designation of a route is appropriate, to designate that such vehicle shall use U.S. Route 11 to travel between U.S. Route 60 and Interstate 64 without passing through the City of Lexington.

Patron - Campbell, R.R.

F HB1644 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

F HB1672 Use of handheld personal communications device; use by the operator of a motor vehicle. Limits the use of a handheld personal communications device or any other electronic device capable of providing a visual display that is in the view of the driver in a normal driving position by the operator of a moving motor vehicle. The bill contains increased penalties if a person, when violating the prohibition on certain uses of such devices when driving, causes physical

injury, serious physical injury, or death to another person. This bill was incorporated into HB 874.

Patron - Ware

F HB1710 Vehicle registration fees; Public Safety Trust Fund. Imposes an additional vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The additional registration fee would be \$1.25 per year beginning July 1, 2020, and would be increased over a period of 10 years to \$12.50 per year. The revenues in the Public Safety Trust Fund would be used to address staffing, retention, and pay suppression issues at the Department of State Police.

Patron - Bagby

F HB1721 Handheld speed monitoring devices; civil penalty. Authorizes law-enforcement officers to operate handheld photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the handheld photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred. This bill was incorporated into HB 1442.

Patron - Hurst

F HB1724 Special license plates; AUTISM AWARENESS. Authorizes the issuance of revenue-sharing special license plates for supporters of the Northern Virginia Chapter and Tidewater Chapter of the Autism Society of America and the Autism Society Central Virginia bearing the legend AUTISM AWARENESS.

Patron - Davis

F SB10 Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. This bill was incorporated into SB 1.

Patron - Ebbin

F SB125 Motor vehicle safety inspection program. Abolishes the state motor vehicle safety inspection program.

Patron - Suetterlein

F SB136 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications

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

Patron - Stuart

F SB228 Motorized skateboard or scooter; age requirement. Increases from 14 to 16 the age at which a person is permitted to operate a motorized skateboard or scooter without adult supervision.

Patron - Spruill

F SB276 Safety belt system use in motor vehicles. Requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements from a secondary offense to a primary offense.

Patron - Barker

F SB347 Remote update of motor vehicle software. Authorizes manufacturers and dealers to offer motor vehicle owners the option of sending future software updates remotely instead of going to a service facility or dealership for such updates. The bill prohibits operating a motor vehicle during a remote update.

Patron - Bell

F SB370 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, so long as the vehicle has not been driven more than 15,000 miles.

Patron - Bell

F SB405 Department of Motor Vehicles; access to documents. Provides for the Department of Motor Vehicles (Department) to facilitate access to certain documents. The bill requires the Department to accept a printed version of an online United States Postal Service change of address confirmation as primary proof of Virginia residency for the purpose of issuing special identification cards and certain driver's licenses and permits. The bill prohibits the Department from charging fees for the issuance of driver's licenses, learner's permits, commercial driver's licenses, special identification cards, and special identification cards without a photograph if the applicant provides proof that he is a current recipient of a state or federally funded public assistance program for the indigent. The bill requires the Department to issue, upon request and free of charge, a special identification card to replace any suspended, revoked, or canceled driver's license surrendered to a court or the Department. The bill requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide, upon request and free of charge, a special identification card to a prisoner upon his release.

Patron - Hashmi

F SB453 Transportation revenues. Directs the Secretary of Transportation to evaluate (i) the impact of increased fuel efficiency and increased use of hybrid and electric vehicles on transportation revenues and (ii) potential options to provide a sustainable funding stream for transportation infra-

structure, and report to the General Assembly no later than December 10, 2020.

Patron - Edwards

F SB473 Duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights; penalty. Makes a driver's failure to (i) move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary towing vehicle or incident or traffic management vehicle displaying flashing, blinking, or alternating amber lights or (ii) proceed with due caution and maintain a safe speed when passing such a vehicle reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, such offense is a traffic infraction punishable by a fine of not more than \$250, and a failure to so move or proceed with due caution when approaching other such listed vehicles is reckless driving. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Edwards

F SB512 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 this bill have a delayed effective date of September 1, 2020.

Patron - Edwards

F SB514 Suspension of driver's license for nonpayment of fines or costs. Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill provides that the fine for any moving violation while operating a motor vehicle in a designated highway safety corridor shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any violation that is a criminal offense. The bill also repeals the Nonresident Violator Compact of 1977. The bill contains an emergency clause. This bill was incorporated into SB 1.

Patron - Edwards

F SB558 Speed limits for certain large vehicles; U.S. Route 17. Sets the maximum speed limit on U.S. Route 17 between the Town of Warrenton and the census-designated place of Marshall in Fauquier County at 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle and 45 miles per hour if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Patron - Vogel

F SB592 Submissions to the Department of Motor Vehicles; paper documents. Requires the Commissioner of the Department of Motor Vehicles to allow a person who does not have secure access to the Internet to complete any transaction and payment via United States mail.

Patron - Hanger

F SB623 Handheld speed monitoring devices. Authorizes the Department of State Police and local law-enforcement agencies to operate handheld photo speed monitoring devices, defined in the bill, in or around highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present, (ii) such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld

photo speed monitoring device, and (iii) a law-enforcement vehicle is present and displaying blue lights. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device, but that the violation shall not be reported on the driver's operating record or to the driver's insurance agency.

Patron - Deeds

F SB643 Department of Motor Vehicles; issuance of certain documents; citizenship requirement. Removes the citizenship and legal presence requirements for obtaining a driver's license or special identification card. The bill requires the Department of Motor Vehicles to cancel any (i) REAL ID-compliant driver's license or special identification card and (ii) commercial driver's license or commercial learner's permit if the Department is notified by a federal agency that the individual to whom such document was issued is not in compliance with the citizenship and lawful residency requirements for such license, card, or permit. The bill has a delayed effective date of October 2, 2020, and contains technical amendments. This bill was incorporated into SB 34.

Patron - Boysko

F SB644 Traffic incident management vehicles. Authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with sirens and flashing red or red and white secondary warning lights and to be exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident.

Patron - Boysko

F SB664 Motor vehicle liability insurance coverage limits. Increases the minimum motor vehicle liability insurance coverage amounts from \$25,000 to \$35,000 in cases of bodily injury to or death of one person, from \$50,000 to \$70,000 in cases of bodily injury to or death of more than one person in any one accident, and from \$20,000 to \$40,000 for property damage coverage.

Patron - Surovell

F SB687 Bicycles; signage and road markings. Requires the Department of Transportation to erect and maintain signs in high pedestrian, Segway, bicycle, moped, animal, and animal-drawn vehicle traffic volume areas signs that say "Share the Road" and that note existing law requiring passing motor vehicles to pass at least three feet to the left of such vehicles. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Vogel

F SB749 Peer-to-peer vehicle sharing platforms; regulation; insurance; taxation. Establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill.

Patron - Cosgrove

F SB755 Disclosure of vehicle damage; vehicle title. Requires the Department of Motor Vehicles to attach a disclosure to the title of any vehicle that is reported to the National Motor Vehicle Title Information System (NMVTIS) noting that such vehicle has been reported to NMVTIS and how to obtain more information about the history of the vehicle.

Patron - Cosgrove

F SB759 Speed monitoring devices; civil penalty. Authorizes law-enforcement officers to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred.

Patron - Marsden

F SB814 Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. This bill was incorporated into SB 1.

Patron - Morrissey

F SB907 Transportation safety. Requires all passengers in a vehicle to wear safety belts and allows localities to lower the speed limit below 25, but not less than 15, miles per hour in business and residential districts.

Patron - Lucas

F SB911 Parking of vehicles; electric vehicle charging spots; civil penalties. Prohibits a person from parking a vehicle that is not a plug-in electric vehicle in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded.

Patron - Hashmi

F SB916 Towing fees. The bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25.

Patron - Marsden

F SB932 Use of handheld personal communications devices; school zones and school property; penalty. Adds school crossing zones and school property to the locations in which a driver is prohibited from holding a handheld personal communications device in his hand while driving a motor vehicle, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits

(i) the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating and (ii) the holding of a handheld personal communication device in a highway work zone, with the same exceptions.

Patron - Kiggans

F SB944 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. This bill was incorporated into SB 160.

Patron - Saslaw

F SB972 Vehicle registration fees; Public Safety Trust Fund. Imposes an additional \$4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The revenues in the Public Safety Trust Fund would be used to address staffing, retention, and pay suppression issues at the Department of State Police.

Patron - Edwards

Carried Over

C HB157 Duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights; penalty. Makes a driver's failure to (i) move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary towing vehicle or incident or traffic management vehicle displaying flashing, blinking, or alternating amber lights or (ii) proceed with due caution and maintain a safe speed when passing such a vehicle reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, such offense is a traffic infraction punishable by a fine of not more than \$250, and a failure to so move or proceed with due caution when approaching other such listed vehicles is reckless driving.

Patron - Fowler

C HB779 Virginia Fuels Tax Act; refueling vehicles. Exempts persons properly licensed by the Department of Motor Vehicles from the prohibition on delivering fuel from a transport truck or tank wagon to the fuel tank of a highway vehicle, provided that such vehicle is on certain premises or a site approved by the local fire official. The bill requires the Department to license such delivery persons.

Patron - Reid

C HB1603 Traffic incident management vehicles. Allows traffic incident management vehicles, defined in the bill, to be equipped with flashing red or red and white secondary warning lights.

Patron - Austin

C HB1700 Department of Motor Vehicles data privacy; facial recognition technology. Limits the release by the Department of Motor Vehicles (the Department) of information regarding proof documents or of an individual's photograph or signature provided to the Department. The bill prohibits any federal agency that primarily enforces immigration law from accessing information stored by the Department without a judi-

cial warrant or court order. The bill limits the use of and prohibits the State Board of Elections from distributing certain immigration information provided by the Department. The bill prohibits the Department from sharing information with an entity that is in the business of selling information to a third party. The bill prohibits the use of Department information for facial recognition purposes prior to July 1, 2022, except when used by (i) the Department to ensure compliance with the REAL ID Act of 2005 or (ii) law-enforcement agencies to identify victims of sex trafficking. The bill requires the Department, in consultation with the Department of Criminal Justice Services and the Office of the Attorney General and other stakeholders, to develop recommendations on using facial recognition technology and protecting the privacy of the citizens of Virginia and to report such findings to the Governor and the General Assembly on or before December 1, 2021. The bill requires the Department of State Police to review policies related to the access of information through the Virginia Criminal Information Network.

Patron - Tran

Notaries and Out-of-State Commissioners

Passed

P HB1222 Notaries; satisfactory evidence of identity; persons in nursing homes or assisted living facilities. Allows expired state issued driver's licenses or state issued identification cards and expired passports to be used as a means of identification for notarial purposes for individuals residing in nursing homes or assisted living facilities, provided such expired documents expired within five years of the date of use for such identification purposes.

Patron - Tran

Failed

F SB694 Notaries; qualifications. Prohibits a person who has been convicted of a felony offense of (i) fraud or misrepresentation or (ii) 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.

Patron - Obenshain

Pensions, Benefits, and Retirement

Passed

P HB536 Virginia Retirement System; accidental death and dismemberment benefits; definitions. Changes the funding structure for the Virginia Retirement System's obligation to fund a savings trust account for higher education for a qualifying child of a VRS member who dies as a result of an accident caused by a felonious assault committed by other than an immediate family member. The bill requires VRS to contribute to such trust account an amount equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the

Commonwealth. This requirement replaces VRS's obligation under current law to contribute to such trust account an amount equal to the full cost of a prepaid tuition contract. The bill also narrows use of the trust account to include only qualified higher education expenses to account for changes to § 529 of the Internal Revenue Code. This bill is identical to SB 109.

Patron - Carr

P HB1495 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, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. The bill incorporates HB 986, HB 1368, and HB 1493 and is identical to SB 54.

Patron - Torian

P HB1513 Health insurance credits for retired school division employees other than teachers. Requires school divisions to provide a health insurance credit of \$1.50 per year of service to non-teacher employees of a local school division with at least 15 years of total creditable service. In addition, localities may elect to provide such individuals an additional health insurance credit of up to \$1 per month for each year of creditable service. However, the bill provides that the additional benefits for retired school division employees other than teachers shall not be paid to any such employee prior to July 1, 2021.

This measure does not apply to any local school division employee who retired on disability prior to July 1, 2020, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2020, and did not receive a health insurance credit prior to that date will only receive the \$1.50 per year of service health insurance credit prospectively.

Patron - McQuinn

P SB54 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, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. The bill is identical to HB 1495.

Patron - Cosgrove

P SB109 Virginia Retirement System; accidental death and dismemberment benefits; definitions. Changes the funding structure for the Virginia Retirement System's (VRS) obligation to fund a savings trust account for higher education for a qualifying child of a VRS member who dies as a result of an accident caused by a felonious assault committed by other than an immediate family member. The bill requires VRS to contribute to such trust account an amount equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the Commonwealth. This requirement replaces VRS's obligation under current law to contribute to such trust account an amount equal to the full cost of a prepaid tuition contract. The bill also narrows use of the trust account to include only qualified higher education expenses to account for

changes to § 529 of the Internal Revenue Code. This bill is identical to HB 536.

Patron - Ruff

Failed

F HB480 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers. Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. The bill provides that such benefits would be available only to dispatchers hired starting in 2021.

Patron - Subramanyam

F HB556 Judicial Retirement System; amount of retirement allowance. Provides that the annual retirement allowance of a person who retires under the Judicial Retirement System shall not exceed 78 percent of the person's average final compensation, unless such person prior to becoming a judge performs five or more years of creditable service under another retirement plan administered by Virginia Retirement System. However, in no case shall such person's annual retirement allowance exceed 100 percent of his average final compensation.

Patron - Knight

F HB986 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. This bill was incorporated into HB 1495.

Patron - Batten

F HB1029 Early retirement; constitutional officers. Provides that in certain circumstances a constitutional officer shall be eligible for the normal retirement allowance without requiring that such individual have 20 or more years of creditable service at the date of separation. The bill applies to a constitutional officer who (i) is involuntary separated from service because their office was lawfully abolished, as a result of their city reverting to town status, and (ii) is serving in such office at the time of reversion.

Patron - Adams, L.R.

F HB1350 Virginia Law Officers' Retirement System; sworn members of the Department of Motor Vehicles. Adds sworn members of the enforcement division of the Department of Motor Vehicles to the membership of the Virginia Law Officers' Retirement System.

Patron - Mullin

F HB1368 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. This bill was incorporated into HB 1495.

Patron - Leftwich

F HB1493 Virginia Retirement System; retired law-enforcement officers employed as school resource officers or 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 resource officer or school

security officer, so long as he has a bona fide break in service between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. This bill was incorporated into HB 1495.

Patron - Helmer

F SB168 **Line of Duty Act; requiring Virginia licensed health practitioners to conduct medical reviews.** Requires that, for any medical review of a claim made pursuant to the provisions of the Line of Duty Act (LODA), the Virginia Retirement System shall require that such review be conducted by a doctor, nurse, or psychologist who is licensed in Virginia or a contiguous state. The bill has a delayed effective date of July 1, 2021.

Patron - DeSteph

F SB202 **Relief for Jack Anthony Maxwell.** Provides for the relief of Jack Anthony Maxwell, who is ineligible to participate in the state retiree health benefits program, by directing the Department of Human Resource Management and the Virginia Retirement System to allow Mr. Maxwell to reenter the plan despite electing to discontinue participating in the plan at the time of his retirement. Under current law, if a retiree does not elect to participate in the plan within 31 days of retirement, such person is permanently barred from participating in the plan.

Patron - Peake

F SB338 **State Police Officers' Retirement System; exception to mandatory retirement requirement.** Allows an exception from compulsory retirement at age 70 for any member of the State Police Officers' Retirement System (SPORS) who receives written approval from his supervisor. Current law provides an exception from the compulsory retirement age only for members appointed by the Governor, members elected by the people, or certain jail superintendents.

Patron - Stuart

F SB554 **Virginia Law Officers' Retirement System; additional retirement allowance; retirement age.** Changes the age through which a retired law-enforcement officer covered under the Virginia Law Officers' Retirement System (VaLORS) 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. This bill was incorporated into SB 1019.

Patron - Ruff

F SB671 **Virginia Retirement System; return to employment by certain retired employees.** Provides that a political subdivision participating in the Virginia Retirement System may hire up to two retirees at a time to return to work in full-time positions. Such employees may receive their service retirement allowance during the subsequent period of employment provided that there was a bona fide break in service of one year between retirement and employment in the full-time position and that there was no prearrangement for reemployment. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Mason

F SB790 **Virginia Law Officers' Retirement System; provide benefits to conservation officers of the Department of Conservation and Recreation.** 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 bene-

fits under the Virginia Law Officers' Retirement System only for creditable service on and after July 1, 2020. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Deeds

F SB1013 **Virginia Retirement System; health insurance credits for retired state employees.** Provides a credit toward health insurance coverage for retired state employees.

Patron - Ruff

F SB1019 **Virginia Law Officers' Retirement System; additional retirement allowance; retirement age.** Changes the age through which a retired law-enforcement officer covered under the Virginia Law Officers' Retirement System (VaLORS) 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. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates SB 554.

Patron - Stanley

F SB1057 **Virginia Retirement System; health insurance credits for retired state employees, constitutional officers, and other 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.

The bill also increases the health insurance credit for constitutional officers and other employees who rendered at least 15 years of creditable service. The monthly credit for such employees would be the greater of \$120 or \$4 per year of service. Under current law, the credit for such employees is limited to \$45 per month. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Ruff

Carried Over

C SB606 **Virginia Retirement System; increased retirement allowance for certain judges.** Increases, for the purposes of determining benefits provided under the Judicial Retirement System, the retirement multiplier from one percent to 1.70 percent. The increase would apply only to judges appointed on or after July 1, 2020, who are participants in the hybrid retirement program and who are at least age 55 at the time of appointment.

Patron - McDougle

Persons with Disabilities

Passed

P HB310 **Alzheimer's Disease and Related Disorders Commission; sunset.** Extends the sunset provision of the Alzheimer's Disease and Related Disorders Commission from July 1, 2020, to July 1, 2023. This bill is identical to SB 256.

Patron - Simonds

P HB1025 **Vocational rehabilitation and employment services for former law-enforcement officers with a**

disability. Requires the Department for Aging and Rehabilitative Services to make available to law-enforcement agencies in the Commonwealth information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which former law-enforcement officers who have a disability as a result of their service can access such programs and services, and provides that every law-enforcement agency in the Commonwealth shall provide to every law-enforcement officer who separates from the agency due to a disability resulting from his service information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which such law-enforcement officers may access such programs and services.

Patron - Adams, L.R.

[P] HB1148 Department for Aging and Rehabilitative Services. Reorganizes provisions of the Code related to the Department for Aging and Rehabilitative Services. The State Long-Term Care Ombudsman Program is relocated in the Code and the Respite Care Grant Program is eliminated. The bill also calls for additional education services to be provided by the Department with respect to Alzheimer's disease and related disorders.

Patron - Keam

[P] SB256 Alzheimer's Disease and Related Disorders Commission; sunset. Extends the sunset provision of the Alzheimer's Disease and Related Disorders Commission from July 1, 2020, to July 1, 2023. This bill is identical to HB 310.

Patron - Ruff

Failed

[F] HB324 Office of the Independent Living Community Ombudsman. Establishes, in the Department for Aging and Rehabilitative Services, the Office of the Independent Living Community Ombudsman, to promote and protect the interests of residents of independent living communities in the Commonwealth. The bill defines "independent living community" as any congregate care housing arrangement reserved for residents 55 years of age or older who do not require assistance with activities of daily living from staff of the independent living community and that includes the provision of two or more of the following services: meals, transportation, laundry, or housekeeping, when such services are provided pursuant to an agreement between the resident and the congregate care housing provider or between the resident and a third party that delivers such services at the premises of the independent living community.

Patron - Ayala

[F] HB740 Closed captioning at movie theaters. Requires all movie theaters that are open to the general public to provide closed captioning at least twice per week on any film that is regularly shown, provided that such film is compatible with the closed captioning feature. The bill requires such movie theaters to provide notice to the general public regarding the availability of closed captioning, including the movies and viewing times at which closed captioning will be provided.

Patron - Watts

Carried Over

[C] HB747 Open captioning at movie theaters. Requires all movie theaters that have four or more screens and are open to the general public to provide open captioning at least twice per week on any film that is regularly shown, provided that open captioning is available for such film. The bill requires such movie theaters to provide notice to the general public regarding the availability of open captioning and schedule at least one viewing during peak viewing time.

Patron - Watts

Police (State)

Passed

[P] HB65 Establishment of the Virginia Missing Child with Autism Alert Program. Creates a program for local, regional, or statewide notification of a missing child with autism. The bill defines a missing child with autism as a child (i) whose whereabouts are unknown; (ii) who has been diagnosed with autism spectrum disorder; (iii) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; and (iv) whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

Patron - Miyares

[P] HB276 Virginia State Police; reporting hate crimes. Includes within the definition of "hate crime" a criminal act committed against a person or the person's property because of disability, as defined in the bill, sexual orientation, gender, or gender identification and requires the reporting of the commission of such crime to the State Police. This bill incorporates HB 1058.

Patron - Sullivan

[P] HB1024 Department of State Police; establishment of cold case searchable database. Requires the Superintendent of State Police to establish and maintain a searchable electronic database of cold cases, available to the public through the Department of State Police official website. The bill defines "cold case" as an investigation into a homicide, missing person, or unidentified person case that has remained unsolved for at least five years after the crime occurred, the person went missing, or the unidentified body was found, whichever occurred last. The bill requires the database to include (i) the category of cold case and, in the case of a homicide or missing person, the name of the victim or missing person, unless prohibited or restricted by law; (ii) the location where the crime was committed, where the person was last seen, or where the body was found, if known; (iii) the date and time the crime occurred, the person was last seen, or the body was found, if known; (iv) the name and contact information of the investigating law-enforcement agency; (v) a brief summary of the crime or case; and (vi) any other information that the investigating law-enforcement agency determines is appropriate. The bill also allows the Department and submitting law-enforcement agencies to withhold such information, in whole or in part, from the database (a) as they deem necessary for investigative purposes, protection of privacy, or any other lawful reason or (b) upon request of the victim's or missing person's next of kin.

Patron - Roem

P HB1250 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 directs the Department of State Police (the Department) to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to motor vehicle or investigatory stops. The Department is directed to provide access to the database to the Department of Criminal Justice Services (DCJS) for the purpose of analyzing motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data analysis shall be used 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 local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect the following data based on the officer's observation or information provided to the officer by the driver: (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. The bill requires each state and local law-enforcement agency to also collect and report to the State Police the number of complaints the agency receives alleging the use of excessive force. The bill also requires the Director of DCJS to annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2021. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data. 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

P SB436 Establishment of the Virginia Voluntary Do Not Sell Firearms List; penalty. Creates the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The List shall be maintained and updated by the Department of State Police. The bill makes it a Class 3 misdemeanor for any person enrolled into the List to purchase, possess, or transport a firearm. The bill disqualifies any person enrolled into the List from obtaining a concealed handgun permit and prohibits such person from being employed by a firearms dealer. The bill also makes it a Class 1 misdemeanor for any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is enrolled into the List. The bill has a delayed effective date of July 1, 2021.

Patron - Surovell

Failed

F HB352 Virginia Fusion Intelligence Center; school safety mobile application. Requires the Virginia Fusion Intelligence Center to develop or obtain a school safety mobile application to (i) facilitate the provision of free, confidential, 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, and video to submit confidential tips concerning bullying, threats of school violence, and other school-related safety concerns. The bill requires the Department of Medical Assistance Services to provide the Center with data and other information necessary to ensure that the school safety mobile application is integrated with any existing crisis intervention phone hotline.

Patron - Davis

F HB976 Virginia State Police; Executive Protection Unit; possession of firearms. Provides that notwithstanding any other provision of law, a state police officer serving on the Executive Protection Unit may possess a firearm only to the extent permitted by law for a civilian.

Patron - Fariss

F HB1058 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. This bill was incorporated into HB 276.

Patron - Kory

F SB930 Establish a work group to evaluate the feasibility of establishing and maintaining a Mental Health Crisis Intervention Hotline. Directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of (i) establishing and maintaining a 24-hours-a-day, seven-days-a-week, toll-free Mental Health Crisis Intervention Hotline (the Hotline) to receive anonymous tips regarding individuals suspected to be in need of mental health treatment to facilitate mental health treatment, crisis intervention, and prevention of tragedies and (ii) developing and implementing policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. The bill provides that the work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and for Courts of Justice and the Senate Committees on Finance and Appropriations and the Judiciary by December 1, 2020.

Patron - Stuart

Carried Over

C SB813 Virginia High Speed Chase Alert Program. Creates a program for local, regional, or statewide notification of a high speed chase, defined in the bill as an active attempt by an on-duty law-enforcement officer while driving a conspicuously marked law-enforcement vehicle to apprehend or stop another moving motor vehicle and the driver of such other vehicle is resisting apprehension by maintaining or increasing his speed or by ignoring the law-enforcement officer's attempt to stop such vehicle, and the ongoing pursuit poses a credible threat to the health and safety of other motor vehicle operators or the general public and under such other circumstances as deemed appropriate by the Virginia State Police.

Patron - Morrissey

Prisons and Other Methods of Correction

Passed

P HB33 Parole; exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for 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 felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause. This bill is identical to SB 793. This bill received Governor's recommendations.

Patron - Lindsey

P HB35 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 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole. This bill is identical to SB 103.

Patron - Lindsey

P HB278 Home/electronic incarceration program; payment to defray costs. Changes from mandatory to optional the current requirement that the director or administrator of a home/electronic incarceration program charge an offender or accused a fee for participating in the program to be used for the cost of home/electronic incarceration equipment.

Patron - Hope

P HB369 Furloughs from local work release programs; notice to local sheriff. Provides that if any furlough permitted by the director of a work release program for an offender participating in a work release program under the supervision of the administrator of a regional jail would extend the limits of confinement of the offender to a locality not served by that regional jail, notice of such furlough shall be provided to the sheriff of such locality.

Patron - Bell

P HB1093 Prisoners; obtaining certain identification documentation upon release. Requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for and obtain such identification. The requirement would apply for any prisoner who has been confined for a period of 90 days or more. If a prisoner is unable to obtain a government-issued identification, the Department would provide a Department of

Corrections Offender Identification form. The bill further requires all costs and fees associated with obtaining such identification documentation to be paid by the prisoner unless the prisoner is determined to be indigent. Current law authorizes local correctional institutions to issue special identification cards prior to the release of any prisoner and requires the prisoner to pay all costs and fees associated with obtaining such card. This bill is identical to HB 1467.

Patron - Hope

P HB1284 Correctional facilities; use of isolated confinement. Directs the Board of Corrections, in consultation with a stakeholder work group, to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities.

Patron - Hope

P HB1328 Exchange of offender medical and mental health information and records. Provides that a health care provider who has been notified that a person to whom he has provided services within the last two years is committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. This bill is identical to SB 656.

Patron - Watts

P HB1467 Prisoners; obtaining certain identification documentation upon release. Requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for and obtain such identification. The requirement would apply for any prisoner who has been confined for a period of 90 days or more. If a prisoner is unable to obtain a government-issued identification, the Department would provide a Department of Corrections Offender Identification form. The bill further requires all costs and fees associated with obtaining such identification documentation to be paid by the prisoner unless the prisoner is determined to be indigent. Current law authorizes local correctional institutions to issue special identification cards prior to the release of any prisoner and requires the prisoner to pay all costs and fees associated with obtaining such card. This bill is identical to HB 1093.

Patron - Aird

P HB1648 State correctional facilities; treatment of prisoners known to be pregnant or who are parents of minor children. Provides for rules and regulations regarding the treatment, control, and education of prisoners known to be pregnant and prisoners who are primary caretakers of minor children in state correctional facilities. The bill requires the Department of Corrections to include in the training it provides for state correctional officers and juvenile correctional officers who may have contact with pregnant inmates training on the general care of pregnant women and the impact of restraints, restrictive housing or solitary confinement, and body cavity searches on such inmates. The bill requires the Director of the Department of Corrections, after accounting for safety, security, and operational factors, to place prisoners who are known primary caretakers of minor children in a facility as close as possible to such children. The bill also requires correctional officers, when (i) contact is required between such officer and an inmate, (ii) the inmate is required to disrobe, and (iii) the officer is not the same gender as the inmate, to submit a written report to the official in charge of the state or local correctional

facility within 72 hours following the incident containing the justification for the suspension of the requirement that such incident occur only during the period of a declared emergency. The bill further authorizes the Director of the Department of Corrections to prescribe reasonable rules regarding visitation that include authorization of visitation by minor dependents of prisoners who are primary caretakers of minor children with Level 1 or Level 2 security classifications.

Patron - Kory

P SB103 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 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole. This bill is identical to HB 35.

Patron - Marsden

P SB149 Courthouse and courtroom security; assessment. Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

Patron - Howell

P SB215 Review of death of inmates in local correctional facilities; report. Provides that the Board of Corrections shall publish, on its website, an annual report summarizing the jail death reviews conducted by the Board within that year. The bill provides that such report shall include any trends or similarities among the deaths of inmates in local correctional facilities and present recommendations on policy changes to reduce the number of deaths in local correctional facilities. This bill received Governor's recommendations.

Patron - Suetterlein

P SB622 State Board of Corrections; rename as the State Board of Local and Regional Jails; powers and duties. Authorizes the Director of the Department of Corrections to develop and establish operating procedures to maintain prisoners residing in state correctional facilities and under the supervision of Department of Corrections probation and parole, including establishing regulations for human research, prescribing rules to govern home/electronic incarceration programs, and prescribing rules regarding the wages paid to persons participating in programs under the supervision of probation and parole. The bill requires the State Board of Corrections, upon determining that a local correctional facility is not in compliance with the minimum standards for construction, equipment, administration, or operation of local correctional facilities, to provide written notice of such determination to the local correctional facility. The bill also renames the State Board of Corrections as the State Board of Local and Regional Jails (the Board), authorizes the Board to appoint and employ an executive director, and requires the Board to report annually to the General Assembly and the Governor on the results of inspections and audits of local, regional, or community correctional facilities and the reviews of the deaths of inmates that occur in any local, regional, or community correctional facility.

Patron - Deeds

P SB656 Exchange of offender medical and mental health information and records. Provides that a health care provider who has been notified that a person to whom he has provided services within the last two years is committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or

regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. This bill incorporates SB 748 and is identical to HB 1328.

Patron - Boysko

P SB793 Parole; exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for 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 felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause. This bill incorporates SB 821 and is identical to HB 33. This bill received Governor's recommendations.

Patron - McClellan

P SB1023 State correctional facilities; visitation. Sets visitation and search policies for visitors to state correctional facilities, including the circumstances under which visits may include or exclude personal contact. The bill prohibits strip searches and searches of any body cavity of any child under 18 years of age and provides that visitors will not be barred from future visits if they (i) stop a search prior to the discovery of contraband or (ii) refuse to be searched.

Patron - Peake

P SB1089 Visiting state correctional facilities; strip searches of those entering. Provides that no child under the age of 18 who is seeking entrance to a state correctional facility shall be strip searched or subjected to a search of any body cavity under any circumstances. The bill also provides that the Department may not permanently ban any person, or insinuate that any person will be permanently banned, from seeking entrance to a state correctional facility on the basis of such person's refusal to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility. The bill provides that the Department may deny such person entry to the facility, unless otherwise provided by law, but may not deny such person any future entry on the basis of a prior refusal to consent.

Patron - Morrissey

Failed

F HB431 Conditional release of geriatric prisoners. Provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of 65 or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of 60 or older and who has served at least 10 years of the sentence imposed shall be granted conditional release. Under current law, such persons may petition the Parole Board for conditional release, which may be granted or denied.

Patron - Scott

F HB782 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 or permanently physically disabled 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 years or age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age 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 - Mullin

F HB1370 Rate at which sentence credits may be earned. Increases the maximum number of sentence credits that may be earned by a person convicted of any felony that is not a violent felony, committed on or after January 1, 1995, from four and one-half credits for each 30 days served to 10.5 credits for each 30 days served. This bill was incorporated into HB 1532.

Patron - Campbell, J.L.

F HB1651 Department of Corrections; hepatitis C antiviral medication. Directs the Department of Corrections to issue a Request for Proposals to pharmaceutical manufacturers for the purchase of an unrestricted five-year supply of hepatitis C antiviral medication and any necessary ancillary services at an annual fixed rate. The bill requires the Department to report to the Governor and the General Assembly by November 30, 2020, and by November 30 during each year of the contract, regarding the status of the contract, whether the contract has lowered the Department's hepatitis C treatment costs, and inmate health outcomes resulting from the contract.

Patron - Adams, D.M.

F SB189 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 appropriation act.

Patron - Peake

F SB493 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 or permanently physically disabled 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 years or age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age 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 - Bell

F SB507 Local correctional facilities; appeals of noncompliance determinations by the State Board of Corrections. Requires the State Board of Corrections, upon determining that a local correctional facility is not in compliance with the minimum standards for construction, equipment, administration, or operation of local correctional facilities, to provide written notice of such determination to the local correctional facility. The bill allows local correctional facilities to

appeal such determinations by the Board and sets forth certain requirements for such appeals.

Patron - Deeds

F SB748 Exchange of offender medical and mental health information and records. Provides that a health care provider who has been notified that a person to whom he has provided services is committed to a local or regional correctional facility must disclose to the person in charge of the facility any information necessary and appropriate for the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. This bill was incorporated into SB 656.

Patron - Hanger

F SB809 Application of parole statutes. Repeals the abolition of parole. The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

Patron - Morrissey

F SB821 Parole; exception to limitation on the application of parole statutes. Provides that an incarcerated person is eligible for 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 went into effect (on January 1, 1995) and (ii) the jury was not instructed on the abolition of parole in the Commonwealth. The bill also provides that any person eligible for parole as provided by the provisions of this bill shall be given priority for consideration of parole over all other eligible persons and shall have a parole hearing no later than July 1, 2021. This bill was incorporated into SB 793.

Patron - Morrissey

F SB837 Corrections Private Management Act; name change; private management prohibited. Removes the authority of the Director of the Department of Corrections pursuant to the Corrections Private Management Act (the Act) 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 pursuant to the Act, renamed by the bill the Corrections Private Services Act, to enter into private contracts for other correctional services, including those related to food service, medical care, transportation, sanitation, information systems, education and training programs, recreational or religious activities, financing, construction, or maintenance. The bill has a delayed effective date of July 1, 2023.

Patron - Ebbin

Carried Over

C HB250 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 - Watts

C **HB281 Prisoners; medical care.** Eliminates the Department of Corrections prisoner co-payment program for nonemergency health care services.

Patron - Hope

C **HB430 Application of parole statutes.** Repeals the abolition of parole. The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

Patron - Scott

C **HB915 Conditional release of geriatric prisoners.** Allows any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who (i) is 55 years of age or older and has served at least 15 years of the sentence imposed or (ii) is 50 years of age or older and has served at least 20 years of the sentence imposed to petition the Parole Board for conditional release.

Patron - Sickles

C **HB996 Parole; exception to limitation on the application of parole statutes.** Provides that an incarcerated person is eligible for 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 went into effect (on January 1, 1995) and (ii) the jury was not instructed on the abolition of parole in the Commonwealth.

Patron - Lindsey

C **HB1224 Conditional release of geriatric prisoners; exceptions.** Prohibits persons serving a sentence imposed upon a conviction of murder in the first degree or a sexually violent offense, if the offense resulting in such conviction occurred on or after July 1, 2020, from petitioning the Parole Board for conditional release. Under current law, such persons may petition the Parole Board 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. The prohibition does not apply to any person who is serving a life sentence for any crime other than homicide and who was under the age of 18 at the time of the commission of the offense.

Patron - Miyares

C **HB1532 Department of Corrections; earned sentence credits.** Establishes a four-level classification system for the awarding and calculation of earned sentence credits. The bill requires the calculation of earned sentence credits to apply retroactively to the entire sentence of any inmate who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2020. This bill incorporates HB 1370.

Patron - Scott

C **SB91 Application of parole statutes.** Repeals the abolition of parole. The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

Patron - Edwards

C **SB624 Conditional release of geriatric prisoners.** Allows any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who (i) is

55 years of age or older and has served at least 15 years of the sentence imposed or (ii) is 50 years of age or older and has served at least 20 years of the sentence imposed, to petition the Parole Board for conditional release.

Patron - Spruill

Professions and Occupations

Passed

P **HB115 Programs to address career fatigue and wellness in certain health care providers; civil immunity.** Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant. The bill also clarifies that, absent evidence indicating a reasonable probability that a health care professional who is a participant in a professional program to address issues related to career fatigue or wellness is not competent to continue in practice or is a danger to himself, his patients, or the public, participation in such a professional program does not trigger the requirement that the health care professional be reported to the Department of Health Professions. The bill contains an emergency clause. This bill received Governor's recommendations.

Patron - Hope

P **HB165 Teledentistry.** Defines "teledentistry," establishes requirements for the practice of teledentistry and the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of digital work orders for dental appliances in the practice of teledentistry. This bill is identical to SB 122.

Patron - Hope

P **HB299 Medical assistants; administration of fluoride varnish.** Allows an authorized agent of a doctor of medicine, osteopathic medicine, or dentistry to possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry. This bill is identical to SB 239.

Patron - Sickles

P **HB347 Commonwealth's medical cannabis program; work group to review; report.** Directs the Secretary of Health and Human Resources to convene a work group to review the Commonwealth's medical cannabis program and issues of critical importance to the medical cannabis industry and patients, including expansion of the medical cannabis program and the medical use of cannabis flowers, and to report its findings and recommendations, including any legislative recommendations, to the Governor, the Attorney General, and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than October 1, 2020.

Patron - Davis

P **HB362 Capacity determinations; physician assistant.** Expands the class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant. The bill provides that such determination shall be made in writ-

ing following an in-person examination of the person and certified by the physician assistant. This bill is identical to SB 544.

Patron - Rasoul

P HB385 Practice of chiropractic; definition. Clarifies the definition of "practice of chiropractic" to make clear that a doctor of chiropractic may (i) request, receive, and review a patient's medical and physical history, including information related to past surgical and nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii) document in a patient's record information related to the condition and symptoms of the patient, the examination and evaluation of the patient made by the doctor of chiropractic, and the treatment provided to the patient by the doctor of chiropractic.

Patron - Sickles

P HB386 Department of Health Professions; conversion therapy prohibited. Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age. This bill is identical to SB 245.

Patron - Hope

P HB471 Health professionals; unprofessional conduct; reporting. Requires the chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth to report to the Department of Health Professions any information of which he may become aware in his professional capacity that indicates a reasonable belief that a health care provider is in need of treatment or has been admitted as a patient for treatment of substance abuse or psychiatric illness that may render the health professional a danger to himself, the public, or his patients, or that he determines, following review and any necessary investigation or consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, indicates that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. Current law requires information to be reported if the information indicates, after reasonable investigation and consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. This bill is identical to SB 540.

Patron - Collins

P HB513 Department of Professional and Occupational Regulation; Real Estate Board; death or disability of a real estate broker. Clarifies that upon the death or disability of a licensed real estate broker who was the only licensed broker in a business entity, the Real Estate Board shall grant approval to certain persons enumerated by law to carry on the business of such broker for 180 days following the death or

disability of the broker solely for the purpose of concluding the business of the broker. Currently, the law only addresses the death or disability of the sole licensed broker in a corporation or partnership.

Patron - Bulova

P HB517 Collaborative practice agreements; nurse practitioners; physician assistants. Adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists. As introduced, this bill is a recommendation of the Joint Commission on Healthcare. This bill is identical to SB 565.

Patron - Bulova

P HB552 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

P HB641 Funeral service providers; caskets provided by third parties. Eliminates the prohibition on the sale of, or offering for sale, caskets by a person other than a licensed funeral service establishment or funeral service licensee in cases in which preneed funeral arrangements for funeral services are being made. The bill requires funeral service licensees to accept caskets provided by a third party in accordance with the requirements of federal law but makes clear that no funeral service establishment or funeral service licensee shall be required to store a casket provided by a third party when preneed arrangements for funeral services have been made. The bill also provides that any person selling or providing preneed caskets shall be subject to requirements for preneed services set forth in state and federal law.

Patron - Hurst

P HB648 Prescription Monitoring Program; information disclosed to the Emergency Department Care Coordination Program; redisclosure. Provides for the mutual exchange of information between the Prescription Monitoring Program and the Emergency Department Care Coordination Program and clarifies that nothing shall prohibit the redisclosure of confidential information from the Prescription Monitoring Program or any data or reports produced by the Prescription Monitoring Program disclosed to the Emergency Department Care Coordination Program to a prescriber in an electronic report generated by the Emergency Department Care Coordination Program so long as the electronic report complies with relevant federal law and regulations governing privacy of health information. This bill is identical to SB 575.

Patron - Hurst

P HB832 Department of Professional and Occupational Regulation; registration of athlete agents; penalty; civil penalty. Creates a registration requirement for athlete agents administered by the Director of the Department of Professional and Occupational Regulation, sets out the requirements for registration and conduct of athlete agents, and provides for administrative, civil, and criminal penalties.

Patron - Sullivan

P HB860 Professional use by practitioners; administration of albuterol inhalers or nebulized albuterol. Pro-

vides that, pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, employee of a local health department, employee of a school for students with disabilities, or employee of an accredited private school who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis. The bill also provides that a school nurse, employee of a school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol who provides, administers, or assists in the administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, is not liable for civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. This bill is identical to HB 1174.

Patron - Bell

P HB908 Naloxone; possession and administration; employee or person acting on behalf of a public place. Authorizes an employee or other person acting on behalf of a public place, as defined in the bill, who has completed a training program on the administration of naloxone or other opioid antagonist to possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill provides immunity from civil liability for a person who, in good faith, administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, unless such act or omission was the result of gross negligence or willful and wanton misconduct. This bill incorporates HB 650, HB 1465, and HB 1466.

Patron - Hayes

P HB932 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 - Simonds

P HB950 Department of Professional and Occupational Regulation; cemeteries; exemptions. Defines "church," for the purpose of determining whether a cemetery that is owned and operated by a church is exempt from regulation by the Department of Professional and Occupational Regulation, to include a church that operates as a historic landmark. This bill is identical to SB 519.

Patron - Ransone

P HB967 Professions and occupations; expediting the issuance of credentials to spouses of military service members. Provides for the expedited issuance of credentials to the spouses of military service members who are (i) ordered to

federal active duty under Title 10 of the United States Code or (ii) veterans who have left active duty service within one year of the submission of an application to a board if the spouse accompanies the service member to the Commonwealth or an adjoining state or the District of Columbia. Under current law, the expedited review is provided more generally for active duty members of the military who are the subject of a military transfer to the Commonwealth. The bill also authorizes a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board in Title 54.1 (Professions and Occupations) to waive any requirement relating to experience if the board determines that the documentation provided by the applicant supports such waiver. This bill incorporates HB 930.

Patron - Willett

P HB1000 Prescription drugs; expedited partner therapy; labels. Eliminates the requirement that a bona fide practitioner-patient relationship exist with a contact patient for a practitioner to prescribe expedited partner therapy consistent with the recommendations of the Centers for Disease Control and Prevention. A pharmacist dispensing a Schedule III through VI drug to a contact patient whose name and address are unavailable shall affix "Expedited Partner Therapy" or "EPT" to the written prescription and the label. The bill repeals the July 1, 2020, sunset on the provision that allows practitioners employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required.

Patron - Hope

P HB1013 Prescription requirements; treatment of sexually transmitted diseases; sunset. Repeals the sunset of July 1, 2020, on the provision that allows practitioners employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required.

Patron - Herring

P HB1059 Certified registered nurse anesthetists; prescriptive authority. Authorizes certified registered nurse anesthetists to prescribe Schedule II through Schedule VI controlled substances and devices to a patient requiring anesthesia as part of the periprocedural care of the patient, provided that such prescribing is in accordance with requirements for practice by certified registered nurse anesthetists and is done under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry. This bill is identical to SB 264.

Patron - Adams, D.M.

P HB1084 Surgical assistants; licensure. Defines "surgical assistant" and "practice of surgical assisting" and directs the Board of Medicine to establish criteria for the licensure of surgical assistants. Currently, the Board may issue a registration as a surgical assistant to eligible individuals. The bill also establishes the Advisory Board on Surgical Assisting to assist the Board of Medicine regarding the establishment of qualifications for and regulation of licensed surgical assistants. This bill received Governor's recommendations.

Patron - Hayes

P HB1121 Massage therapists; qualifications; license. Provides that an applicant who completed a massage therapy educational program in a foreign country may apply for licensure as a massage therapist upon submission of evidence that the applicant (i) is at least 18 years old, (ii) has successfully completed a massage therapy educational program that is comparable to a massage therapy educational program

required for licensure by the Board, (iii) has passed a Board-approved English language proficiency examination, and (iv) has not committed any acts or omissions that would be grounds for disciplinary action or denial of licensure. The Board of Nursing shall issue a license to an applicant who completed his massage therapy educational program in a foreign country upon submission of evidence of completion of the English-language version of the Licensing Examination of the Federation of State Massage Therapy Boards or a comparable examination.

Patron - Robinson

P HB1147 Epinephrine permitted in certain public places. Allows public places to make epinephrine available for administration. The bill allows employees of such public places who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to a person present in such public place believed in good faith to be having an anaphylactic reaction. The bill also provides that an employee of such public place who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. The bill directs the Department of Health, in conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in public places. Such policies and guidelines shall be provided to the Commissioner of Health no later than July 1, 2021.

Patron - Keam

P HB1174 Professional use by practitioners; administration of inhaled asthma medication. Provides that, pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, employee of a local health department, employee of a school for students with disabilities, or employee of an accredited private school who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis. The bill also provides that a school nurse, employee of a school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol who provides, administers, or assists in the administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, is not liable for civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. This bill is identical to HB 860.

Patron - Lopez

P HB1260 Advisory Board on Athletic Training; membership. Provides that the one member of the Advisory Board on Athletic Training required to be an athletic trainer who is currently licensed by the Board on Athletic Training and who has practiced in the Commonwealth for not less than three years may be employed in the public or private sector. Currently, the law requires that the member be employed in the private sector.

Patron - Hodges

P HB1261 Athletic trainers; naloxone or other opioid antagonist. Authorizes licensed athletic trainers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

Patron - Hodges

P HB1263 Drug Control Act; Schedule I. Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to SB 538.

Patron - Hodges

P HB1304 Pharmacy technicians and pharmacy technician trainees; registration. Amends eligibility criteria for registration as a pharmacy technician to include a requirement that the individual has (i) successfully completed or was enrolled in a Board of Pharmacy-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board of Pharmacy but did not complete a Board-approved pharmacy technician training program. The bill also directs the Board to establish requirements for the issuance of a registration as a pharmacy technician to a person who (a) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (b) has passed a national certification examination required by the Board. The bill defines "pharmacy technician trainee" and sets out requirements for registration as a pharmacy technician trainee. The bill also directs the Board to convene a workgroup composed of stakeholders deemed appropriate by the Board to develop recommendations related to the addition of duties that a pharmacy technician registered by the Board may perform. This bill is identical to SB 830.

Patron - Hodges

P HB1460 Dispensing cannabidiol oil and THC-A oil; non-Virginia residents. Provides that in addition to a patient or a patient's legal guardian who is a Virginia resident, a pharmaceutical processor may dispense in person to a patient or a patient's legal guardian who temporarily resides in Virginia as made evident to the Board of Medicine with a certification for cannabidiol oil and THC-A oil from a Virginia practitioner. The bill also makes clear that a practitioner who issues a written certification for cannabidiol oil must use his professional judgment to determine the manner and frequency of patient care and evaluation and authorizes such practitioner to utilize telemedicine, consistent with federal requirements for the prescribing of Schedule II through V controlled substances.

Patron - O'Quinn

P HB1506 Pharmacists; prescribing, dispensing, and administration of controlled substances. Allows a pharmacist to initiate treatment with and dispense and administer certain drugs and devices to persons 18 years of age or older in accordance with a statewide protocol developed by the Board of Pharmacy in collaboration with the Board of Medicine and the Department of Health. The bill directs the Board of Pharmacy to establish such protocols by November 1, 2020, to promulgate emergency regulations to implement the provisions of the bill, and to convene a work group to provide recommendations regarding the development of protocols for the initiating of treatment with and dispensing and administering of additional drugs and devices for persons 18 years of age and older. The bill also clarifies that an accident and sickness insurance policy that provides reimbursement for a service that may be

legally performed by a licensed pharmacist shall provide reimbursement for the initiating of treatment with and dispensing and administration of controlled substances by a pharmacist when such initiating of treatment with or dispensing or administration is in accordance with regulations of the Board of Pharmacy.

Patron - Sickles

P HB1531 Prescription drug disposal program; methods to enhance public awareness. Directs the Board of Pharmacy to enhance public awareness of proper drug disposal methods by assembling a group of stakeholders to develop strategies to increase the number of permissible drug disposal sites and options for the legal disposal of drugs, including requirements that pharmacies, or in-house pharmacies of hospitals or clinics, provide such information to customers. The bill directs the Board to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than November 15, 2020.

Patron - Jenkins

P HB1562 Music therapy; licensure. Requires the Board of Social Work to adopt regulations establishing a regulatory structure to license music therapists in the Commonwealth and establishes an advisory board to assist the Board in this process. Under the bill, no person shall engage in the practice of music therapy or hold himself out or otherwise represent himself as a music therapist unless he is licensed by the Board. This bill is identical to SB 633.

Patron - Head

P HB1646 Department of Professional and Occupational Regulation; Board for Contractors; misclassification of worker prohibited. Provides that the Board for Contractors (the Board) shall require a contractor to appropriately classify all workers as employees or independent contractors, pursuant to law. Any contractor who is found to have intentionally misclassified any worker is subject to sanction by the Board.

Patron - Krizek

P HB1654 Schedule VI controlled substances; hypodermic syringes and needles; limited-use license. Allows the Board of Pharmacy to issue a limited-use license for the purpose of dispensing Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic medicine, or podiatry, a nurse practitioner, or a physician assistant, provided that such limited-use licensee is practicing at a nonprofit facility. The bill requires such nonprofit facilities to obtain a limited-use permit from the Board and comply with regulations for such a permit. This bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. This bill is identical to SB 1074.

Patron - Helmer

P HB1670 Board of Pharmacy; pharmaceutical processors; cannabis oil. Allows pharmaceutical processors to acquire industrial hemp grown and processed in Virginia from a registered industrial hemp dealer or processor and allows a pharmaceutical processor to process and formulate industrial hemp with cannabis plant extract into an allowable dosage.

Patron - O'Quinn

P HB1701 Department of Health; Department of Health Professions Medical Excellence Zone Program; tele-

medicine; reciprocal agreements. Directs the Department of Health to determine the feasibility of establishing a Medical Excellence Zone Program to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services from providers licensed or registered in a state that is contiguous with the Commonwealth and directs the Department of Health Professions to pursue reciprocal agreements with such states for licensure for certain primary care practitioners licensed by the Board of Medicine. The bill requires the Department of Health to set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone and report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.

The bill states that reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the acts of unprofessional conduct. The Department of Health Professions is required to report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020. The bill requires the Board of Medicine to prioritize applications for licensure by endorsement as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner from such states through a streamlined process with a final determination regarding qualification to be made within 20 days of the receipt of a completed application. This bill is identical to SB 757.

Patron - Tran

P SB53 Board of Social Work; reciprocal licensing agreements. Directs the Board of Social Work to pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of baccalaureate social workers, master's social workers, and clinical social workers. The bill provides that reciprocal agreements shall require that a person hold a comparable, current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the Code of Virginia and regulations of the Board.

Patron - Stanley

P SB120 Programs to address career fatigue and wellness in certain health care providers; civil immunity. Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant. The bill also clarifies that, absent evidence indicating a reasonable probability that a health care professional who is a participant in a professional program to address issues related to career fatigue or wellness is not competent to continue in practice or is a danger to himself, his patients, or the public, participation in such a professional program does not trigger the requirement that the health care professional be reported to the Department of Health Professions. The bill contains an emergency clause.

Patron - Barker

P SB122 Teledentistry. Defines "teledentistry," establishes requirements for the practice of teledentistry and the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of dig-

ital work orders for dental appliances in the practice of teledentistry. This bill incorporates SB 210 and SB 884 and is identical to HB 165.

Patron - Barker

P SB239 Medical assistants; administration of fluoride varnish. Allows an authorized agent of a doctor of medicine, osteopathic medicine, or dentistry to possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry. This bill is identical to HB 299.

Patron - Barker

P SB245 Department of Health Professions; conversion therapy prohibited. Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age. This bill is identical to HB 386.

Patron - Surovell

P SB264 Certified registered nurse anesthetists; prescriptive authority. Authorizes certified registered nurse anesthetists to prescribe Schedule II through Schedule VI controlled substances and devices to a patient requiring anesthesia, as part of the periprocedural care of the patient, provided that such prescribing is in accordance with requirements for practice by certified registered nurse anesthetists and is done under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry. This bill is identical to HB 1059.

Patron - Bell

P SB270 Practice of pharmacy; regulation by Board of Pharmacy; report. 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 requires the Board of Pharmacy to report annually by December 1 to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on (i) the number of outsourcing facilities permitted or registered by the Board that have entered into a contract with the Department of Corrections for the compounding of drugs necessary to carry out an execution by lethal injection and (ii) the name of any such outsourcing facility that received disciplinary action for a violation of law or regulation related to compounding.

Patron - Bell

P SB385 Professional engineers; regulations, scope of exception. Requires that the State Corporation Commission promulgate regulations requiring (i) certain otherwise exempted engineers to be licensed with the Department of Professional and Occupational Regulation's Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects and (ii) licensed engineers

to exercise responsible charge on certain engineering projects. The bill has a delayed effective date of January 1, 2021.

Patron - McPike

P SB422 Health regulatory boards. Clarifies the meaning of "license" as used by the Boards of Funeral Directors and Embalmers and Physical Therapy and the conditions under which a license may be denied, suspended, or revoked by the Board of Veterinary Medicine.

Patron - Petersen

P SB519 Department of Professional and Occupational Regulation; cemeteries; exemptions. Defines "church," for the purpose of determining whether a cemetery that is owned and operated by a church is exempt from regulation by the Department of Professional and Occupational Regulation, to include a church that operates as a historic landmark. This bill is identical to HB 950.

Patron - McDougle

P SB530 Possession and administration of epinephrine; restaurant employee. Authorizes any employee of a licensed restaurant to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such employee is authorized by a prescriber and trained in the administration of epinephrine. The bill also requires the Department of Health, in conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in restaurants.

Patron - Edwards

P SB538 Drug Control Act; Schedule I. Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to HB 1263.

Patron - Newman

P SB540 Health professionals; unprofessional conduct; reporting. Requires the chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth to report to the Department of Health Professions any information of which he may become aware in his professional capacity that indicates a reasonable belief that a health care provider is in need of treatment or has been admitted as a patient for treatment of substance abuse or psychiatric illness that may render the health professional a danger to himself, the public, or his patients, or that he determines, following review and any necessary investigation or consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, indicates that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. Current law requires information to be reported if the information indicates, after reasonable investigation and consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. This bill is identical to HB 471.

Patron - Vogel

P SB543 Firearms shows; mandatory background check. Requires the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. Current law requires the Department of State Police to be available at every firearms show held in the Commonwealth to perform criminal history record information checks but does not require such checks to be performed unless requested by a party involved in the transaction.

Patron - Edwards

P SB544 Capacity determinations; physician assistant. Expands the class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant. The bill provides that such determination shall be made in writing following an in-person examination of the person and certified by the physician assistant. This bill is identical to HB 362.

Patron - Edwards

P SB565 Collaborative practice agreements; nurse practitioners; physician assistants. Adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists. As introduced, this bill is a recommendation of the Joint Commission on Healthcare. This bill is identical to HB 517.

Patron - Edwards

P SB566 Naloxone; possession and administration. Provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, provided that the administration is in good faith and absent gross negligence or willful and wanton misconduct.

Patron - Edwards

P SB575 Prescription Monitoring Program; information disclosed to the Emergency Department Care Coordination Program; redisclosure. Provides for the mutual exchange of information between the Prescription Monitoring Program and the Emergency Department Care Coordination Program and clarifies that nothing shall prohibit the redisclosure of confidential information from the Prescription Monitoring Program or any data or reports produced by the Prescription Monitoring Program disclosed to the Emergency Department Care Coordination Program to a prescriber in an electronic report generated by the Emergency Department Care Coordination Program so long as the electronic report complies with relevant federal law and regulations governing privacy of health information. This bill is identical to HB 648.

Patron - Dunning

P SB633 Music therapy; licensure. Requires the Board of Social Work to adopt regulations establishing a regulatory structure to license music therapists in the Commonwealth and establishes an advisory board to assist the Board in this process. Under the bill, no person shall engage in the practice of music therapy or hold himself out or otherwise represent

himself as a music therapist unless he is licensed by the Board. This bill is identical to HB 1562.

Patron - Vogel

P SB646 Tetrahydrocannabinol concentration; definition. Clarifies that certain uses of "tetrahydrocannabinol concentration" refer to delta-9-tetrahydrocannabinol. The bill contains an emergency clause.

Patron - Surovell

P SB653 Department of Professional and Occupational Regulation; real estate brokers; escrow funds. Provides that in the event of foreclosure of real property, all rent moneys, regardless of when received, shall be deposited in an escrow account by the end of the fifth business banking day following receipt, unless otherwise agreed to in writing by the principals to a lease transaction.

Patron - Boysko

P SB713 Board of Counseling; licensure of art therapists and art therapist associates. Requires the Board of Counseling to adopt regulations establishing a regulatory structure to license art therapists and art therapist associates, as those terms are defined in the bill, in the Commonwealth and establishes an advisory board to assist the Board in this process. Under the bill, no person shall engage in the practice of art therapy or hold himself out or otherwise represent himself as an art therapist or art therapist associate unless he is licensed by the Board.

Patron - McClellan

P SB757 Department of Health; Department of Health Professions Medical Excellence Zone Program; telemedicine; reciprocal agreements. Directs the Department of Health to determine the feasibility of establishing a Medical Excellence Zone Program to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services from providers licensed or registered in a state that is contiguous with the Commonwealth and directs the Department of Health Professions to pursue reciprocal agreements with such states for licensure for certain primary care practitioners licensed by the Board of Medicine. The bill requires the Department of Health to set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone and report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.

The bill states that reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the acts of unprofessional conduct. The Department of Health Professions is required to report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020. The bill requires the Board of Medicine to prioritize applications for licensure by endorsement as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner from such states through a streamlined process with a final determination regarding qualification to be made within 20 days of the receipt of a completed application. This bill is identical to HB 1701.

Patron - Favola

P SB760 Licensure of psychologists; Psychology Interjurisdictional Compact. Authorizes Virginia to become a signatory to the Psychology Interjurisdictional Compact. The

Compact permits eligible licensed psychologists to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2021, and directs the Board of Psychology to adopt emergency regulations to implement the provisions of the bill.

Patron - Deeds

P SB830 Pharmacy technicians and pharmacy technician trainees; registration. Amends eligibility criteria for registration as a pharmacy technician to include a requirement that the individual has (i) successfully completed or was enrolled in a Board of Pharmacy-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board of Pharmacy but did not complete a Board-approved pharmacy technician training program. The bill also directs the Board to establish requirements for the issuance of a registration as a pharmacy technician to a person who (a) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (b) has passed a national certification examination required by the Board. The bill defines "pharmacy technician trainee" and sets out requirements for registration as a pharmacy technician trainee. The bill also directs the Board to convene a workgroup composed of stakeholders deemed appropriate by the Board to develop recommendations related to the addition of duties that a pharmacy technician registered by the Board may perform. This bill is identical to HB 1304.

Patron - Lewis

P SB836 Naloxone; possession and administration; employee or person acting on behalf of a public place. Provides that an employee or other person acting on behalf of a public place who has completed a training program on the administration of naloxone or other opioid antagonist may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill defines "public place" as any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Patron - Suetterlein

P SB885 Performance of laboratory analysis; cannabidiol oil; THC-A oil; tetrahydrocannabinol. Provides that no person employed by an analytical laboratory to retrieve, deliver, or possess cannabidiol oil, THC-A oil, or industrial hemp samples from a permitted pharmaceutical processor, a licensed industrial hemp grower, or a licensed industrial hemp processor for the purpose of performing required testing shall be prosecuted for the possession or distribution of cannabidiol oil, THC-A oil, or industrial hemp, or for storing cannabidiol oil, THC-A oil, or industrial hemp for testing purposes in accordance with regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services. The bill contains an emergency clause.

Patron - Marsden

P SB976 Board of Pharmacy; pharmaceutical processors; cannabis dispensing facilities. Defines "cannabis dispensing facilities" and allows the Board of Pharmacy to issue up to five permits for cannabis dispensing facilities per health service area. The bill requires the Board to establish a ratio of one pharmacist for every six pharmacy interns, technicians, and technician trainees for pharmaceutical processors and cannabis dispensing facilities. The bill directs the Board of Pharmacy to require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor make a sample available from each homogenized batch of

product for testing at an independent laboratory located in Virginia that meets Board requirements. The bill requires that the Board promulgate regulations that include an allowance for the sale of devices for administration of dispensed products and an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The bill also requires the Board to adopt regulations for pharmaceutical processors that include requirements for (i) processes for safely and securely cultivating cannabis plants intended for producing cannabidiol oil or THC-A oil; (ii) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (iii) the secure disposal of plant remains; (iv) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of tetrahydrocannabinol; and (v) a process for registering cannabidiol oil and THC-A oil products. The bill requires the Board of Pharmacy to promulgate required regulations within 280 days of the bill's enactment. This bill received Governor's recommendations.

Patron - Marsden

P SB981 Professions and occupations; expediting the issuance of credentials to spouses of military service members. Provides for the expedited issuance of credentials to the spouses of military service members who are (i) ordered to federal active duty under Title 10 of the United States Code or (ii) veterans who have left active duty service within one year of the submission of an application to a board if the spouse accompanies the service member to the Commonwealth or an adjoining state or the District of Columbia. Under current law, the expedited review is provided more generally for active duty members of the military who are the subject of a military transfer to the Commonwealth. The bill also authorizes a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board in Title 54.1 (Professions and Occupations) to waive any requirement relating to experience if the board determines that the documentation provided by the applicant supports such waiver.

Patron - Suetterlein

P SB1044 Funeral directors and embalmers; Board to promulgate regulations for licensure. Directs the Board of Funeral Directors and Embalmers to promulgate regulations that establish requirements of licensure for funeral directors and embalmers.

Patron - McPike

P SB1045 Cannabidiol oil and THC-A oil; sample testing. Directs the Board of Pharmacy to require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor make a homogenized batch of product for testing at an independent laboratory located in Virginia.

Patron - Hashmi

P SB1046 Clinical social workers; patient records; involuntary detention orders. Adds clinical social workers to the list of eligible providers that includes treating physicians and clinical psychologists who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.

Patron - Deeds

P SB1070 Cemeteries, special interments; pets. Allows the remains of cremated pets to be interred with human remains.

Patron - Dunnavant

P SB1074 Schedule VI controlled substances; hypodermic syringes and needles; limited-use license. Allows the Board of Pharmacy to issue a limited-use license for the purpose of dispensing Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic medicine, or podiatry, a nurse practitioner, or a physician assistant, provided that such limited-use licensee is practicing at a nonprofit facility. The bill requires such nonprofit facilities to obtain a limited-use permit from the Board and comply with regulations for such a permit. This bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. This bill is identical to HB 1654.

Patron - McClellan

Failed

F HB28 Pawnbrokers. Removes provisions enacted in 2019 that currently allow only natural persons to be licensed as pawnbrokers. The measure authorizes any person, defined in this bill as an individual or a business entity organized under the laws of the Commonwealth, that otherwise satisfies the requirements for licensure to operate as a pawnbroker. The bill repeals an enactment that authorized localities to extend the license of a pawnbroker who is not a natural person for a period of up to one year.

Patron - Lindsey

F HB41 Board of Medicine; regulations; screening for adverse childhood experiences. Directs the Board of Medicine to adopt regulations requiring every health care practitioner licensed by the Board who provides primary health care services to, at the time of a patient's first appointment, (i) provide to the patient information regarding the impact of adverse childhood experiences on physical and mental health and the risks and benefits of screening patients for adverse childhood experiences and (ii) screen patients for adverse childhood experiences that may impact a patient's physical or mental health or the provision of health care services to such patient.

Patron - Samirah

F HB303 Clinical psychologists; telepsychology; out of state. Allows clinical psychologists to provide services by telepsychology to established patients who are out of state at the time services are provided. The bill establishes the criteria that must be met for the clinical psychologist to offer telepsychology services. Clinical psychologists who offer telepsychology services must comply with the Standards of Practice set by the Board of Psychology.

Patron - Hope

F HB312 Board of Pharmacy; information about naloxone. Directs the Board of Pharmacy to include in each annual license renewal communication information about the dispensing, possession, and administration of naloxone or other opioid antagonist, including information about laws governing the dispensing, possession, and administration of naloxone or other opioid antagonist and civil immunity for individuals who administer naloxone or other opioid antagonist to a person believed to be experiencing an opioid overdose.

Patron - Gooditis

F HB514 Department of Professional and Occupational Regulation; training requirement for barbers and cosmetologists. Prohibits the Board for Barbers and Cosmetology from requiring completion of more than 1,000 hours of training in the field for which an applicant for a license to practice barbering or cosmetology seeks licensing.

Patron - Bulova

F HB546 Prescribing of Schedule VI controlled substances; telemedicine; store-and-forward technologies. Provides that electronic technology or media used for telemedicine services includes store-and-forward technologies and that, used in the context of prescribing Schedule VI controlled substances through telemedicine services, "store-and-forward technologies" means technologies that allow for the electronic transmission of medical information, including images, documents, or health histories, through a secure communications system.

Patron - Sickles

F HB626 Prescribing of opioids; required patient disclosures. Requires prescribers to discuss with a patient or the patient's parent or guardian prior to prescribing an opioid information regarding the prescribed opioid, including the risks of addiction and overdose associated with opioids; the dangers of taking opioids with alcohol, benzodiazepines, and other central nervous system depressants; the reasons why the prescription is necessary; and alternative treatments that may be available. The bill also requires the prescriber to include a notation in the patient's medical record indicating that these required patient disclosures were discussed.

Patron - LaRock

F HB910 Practice of pharmacy; compounding; regulation by Board of Pharmacy. Provides that the compounding of drugs provided to the Department of Corrections for the purpose of carrying out an execution by lethal injection constitutes the practice of pharmacy and is 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 such other place 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 replaces one of the two consumer positions on the Board of Health with a pharmacist with experience 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 (i) to ensure the safety and quality of compounded drugs produced by compounding pharmacies and outsourcing facilities located in the Commonwealth, as well as those outside the Commonwealth that provide compounded drugs to patients in the Commonwealth; (ii) to reduce illegal use of opioids and opioid abuse in the Commonwealth; and (iii) to implement provisions of and ensure compliance with the requirements of federal law related to prescription drug identification, tracing, and verification.

Patron - Simon

F HB930 Professions and occupations; expediting the issuance of credentials to spouses of military service members and veterans. Provides for the expedited issuance of credentials to the spouses of military service members who are ordered to federal active duty under Title 10 of the United

States Code or are veterans if the spouse accompanies the service member or veteran to the Commonwealth or an adjoining state or the District of Columbia. Under current law, the expedited review is provided more generally for active duty members of the military who are the subject of a military transfer to the Commonwealth. The bill also authorizes a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board in Title 54.1 (Professions and Occupations) to waive any requirement relating to experience if the board determines that the documentation provided by the applicant supports such waiver. This bill was incorporated into HB 967.

Patron - Coyner

[F] HB966 Health regulatory boards; conversion therapy. Directs state agencies to promulgate regulations prohibiting conversion therapy.

Patron - Walker

[F] HB982 Professions and occupations; licensure by endorsement. Establishes criteria for an individual licensed, certified, or having work experience in another state, the District of Columbia, or any territory or possession of the United States to apply to a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions and be issued an occupational license or government certification if certain conditions are met.

Patron - Webert

[F] HB994 Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology; hair styling license. Adds hair styling as a profession that is regulated by the Board for Barbers and Cosmetology. The bill defines "hair styling" as arranging, dressing, curling, waving, cutting, shaping, singeing, shaving, bleaching, coloring, relaxing, or straightening, or performing similar work upon, human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances.

Patron - Convirs-Fowler

[F] HB1363 Licensure exemption for student practice of veterinary medicine and veterinary technology; temporary postgraduate license; regulations. Provides for (i) the issuance of a temporary postgraduate license to practice veterinary medicine to individuals participating in a veterinary residency or internship in a veterinary medical education program and (ii) an exemption from licensure for the practice of veterinary medicine and veterinary technology for qualified students completing a veterinary medicine or veterinary technology externship or preceptorship.

Patron - Rush

[F] HB1463 Virginia Board for Court Reporters. Creates the Virginia Board for Court Reporters as an independent board to regulate court reporting services in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes 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 - Miyares

[F] HB1465 Naloxone; possession and administration; employee or person acting on behalf of a public place. Provides that an employee or other person acting on behalf of a public place who has completed a training program on the administration of naloxone or other opioid antagonist may possess and administer naloxone or other opioid antagonist in accordance with protocols developed by the Board of Phar-

macy in consultation with the Board of Medicine and the Department of Health. The bill defines "public place" as any area that is used or held out for use by the public, whether owned or operated by a public or private interest. This bill was incorporated into HB 908.

Patron - Gooditis

[F] HB1466 Naloxone; possession and administration. Provides that, notwithstanding any other law or regulation to the contrary, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. This bill was incorporated into HB 908.

Patron - Gooditis

[F] HB1472 Virginia Board for Court Reporters. Creates the Virginia Board for Court Reporters as an independent board to establish the qualification of applicants for licensure or registration of court reporters in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes principles of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the licensure and registration program.

Patron - Miyares

[F] HB1478 Frozen embryos; required disclosures. Requires any health care facility that creates and stores frozen embryos to provide an annual report to the Board of Medicine detailing the following: the total number of embryos created during the reporting year, the number of embryos that remain frozen, the number of embryos donated to research institutions and institutions of higher education and the names of such institutions, and the number of embryos made available for adoption.

Patron - Collins

[F] HB1551 Fetal dismemberment prohibited. Prohibits a person licensed by the Board of Medicine to practice medicine from performing an abortion that involves dismemberment of a fetus.

Patron - LaRock

[F] HJ39 Study; Board of Pharmacy; kratom; report. Directs the Board of Pharmacy to study whether *Mitragyna speciosa*, commonly known as kratom, should be classified as a controlled substance in the Commonwealth.

Patron - McGuire

[F] SB104 Vaccinations and immunizations; minors; authority to consent. Provides that a minor shall be deemed an adult for the purpose of consenting to medical or health services related to receiving vaccinations and immunizations recommended by the Centers for Disease Control and Prevention if the individual is at least 14 years of age and demonstrates to the satisfaction of a health care practitioner the ability to understand at the same comprehension level as an adult the risks and benefits associated with vaccinations and immunizations.

Patron - Favola

[F] SB210 Teledentistry. Defines "teledentistry," establishes requirements for the practice of teledentistry, establishes requirements for the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of digital work orders for dental appliances in the practice of teledentistry. The bill also requires the Board of Dentistry to review all applications for renewal of a license to identify those applicants who deliver dental services through

teledentistry and report such information annually by October 1 to the Chairmen of the House Committee on Health, Welfare and Institutions, the Senate Committee on Education and Health, and the Joint Commission on Health Care. This bill was incorporated into SB 122.

Patron - Locke

F SB334 Virginia Board for Court Reporters. Creates the Virginia Board for Court Reporters as an independent board to establish the qualification of applicants for licensure or registration of court reporters in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes principles of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the licensure and registration program.

Patron - Stuart

F SB663 Practice of medicine and other healing arts; provision of litigation assistance. Requires practitioners of medicine and other healing arts to provide litigation assistance to treated patients and their attorneys. Such litigation assistance includes providing a legal consult fee schedule upon request, scheduling and participating in meetings with a treated patient's attorney upon request, participating in trial or de bene esse depositions as needed, and providing a written estimate of the cost of the patient's medical services related to the litigation. The bill prohibits providers from refusing services to a patient who is insured or otherwise has the ability to pay for provided services on the ground that such person was involved in an incident that is the subject of litigation or could result in litigation.

Patron - Surovell

F SB858 Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors, defined in the bill as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

Patron - Petersen

F SB873 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

F SB884 Teledentistry. Defines "teledentistry," establishes requirements for the practice of teledentistry, establishes requirements for the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of digital work orders for dental appliances in the practice of teledentistry. The bill also requires the Board of Dentistry to review all applications for renewal of a license to identify those applicants who deliver dental services through teledentistry and report such information annually by October 1 to the Chairmen of the House Committee on Health, Welfare and Institutions, the Senate Committee on Education and Health, and the Joint Commission on Health Care. This bill was incorporated into SB 122.

Patron - DeSteph

F SB915 Barbers and cosmetologists; training requirement. Prohibits the Board for Barbers and Cosmetology from requiring completion of more than 1,200 hours of training in the field for which an applicant for a license to practice barbering or cosmetology seeks licensing. The bill also requires that certain licensed cosmetologists certify to the Board every two years that they have completed at least four hours of Board-approved continuing education. The bill has a delayed effective date of December 1, 2020.

Patron - Marsden

F SB969 Pharmaceutical processors; off-site dispensing locations. Allows each pharmaceutical processor to whom a permit has been issued by the Board of Pharmacy to operate up to five off-site dispensing locations for the dispensing of cannabidiol oil and THC-A oil.

Patron - Marsden

F SB1026 Pharmacists; initiating treatment, dispensing, and administering of controlled substances. Includes in the practice of pharmacy initiating treatment, dispensing, and administering of certain drugs and devices by a pharmacist, provided that such pharmacist initiates treatment with, dispenses, or administers such drugs and devices in accordance with a statewide protocol developed by the Board of Pharmacy in collaboration with the Board of Medicine and Department of Health and set forth in regulations of the Board of Pharmacy. The bill clarifies that an accident and sickness insurance policy that provides reimbursement for a service that may be legally performed by a licensed pharmacist shall provide reimbursement for initiating treatment with, dispensing, or administering drugs and devices by a pharmacist when such initiation of treatment, dispensation, or administration is in accordance with regulations of the Board of Pharmacy. The bill directs the Board of Pharmacy to promulgate regulations to implement the provisions of the bill within 280 days of its effective date. The Board shall report to the Chairman of the Senate Committee on Education and Health and the Chairman of the House Committee on Health, Welfare and Institutions by November 1, 2020, on the status of the regulations. The bill has a delayed effective date of July 1, 2021.

Patron - Dunnivant

Carried Over

C HB188 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

C HB1040 Naturopathic doctors; license required.

Requires the Board of Medicine to license and regulate naturopathic doctors, defined in the bill as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

Patron - Rasoul

C HB1649 Health care; decision making; end of life; penalties.

Allows an adult diagnosed with a terminal condition to request and an attending health care provider to prescribe a self-administered controlled substance for the purpose of ending the patient's life in a humane and dignified manner. The bill requires that a patient's request for a self-administered controlled substance to end his life must be given orally on two occasions and in writing, signed by the patient and one witness, and that the patient be given an express opportunity to rescind his request at any time. The bill makes it a Class 2 felony (i) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for a self-administered controlled substance to end his life with the intent and effect of causing the patient's death; (ii) to coerce, intimidate, or exert undue influence on a patient to request a self-administered controlled substance 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; or (iii) to coerce, intimidate, or exert undue influence on a patient to forgo a self-administered controlled substance for the purpose of ending the patient's life. The bill also 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 a self-administered controlled substance to a patient for the purpose of ending the patient's life.

Patron - Kory

C HB1683 Diagnostic medical sonography; certification.

Defines the practice of "diagnostic medical sonography" as the use of specialized equipment to direct high-frequency sound waves into an area of the human body to generate an image. The bill provides that only a certified and registered sonographer may hold himself out as qualified to perform diagnostic medical sonography. The bill requires any person who fails to maintain current certification and registration or is subject to revocation or suspension of a certification and registration by a sonography certification organization to notify his employer and cease using ultrasound equipment or performing a diagnostic medical sonography or related procedure.

Patron - Hope

C SB1079 Board of Medicine; medically unnecessary chaperones.

Directs the Board of Medicine to amend its regulations to require that patients be notified that they have the right to opt out of the presence of a chaperone during medical examinations, provided that the chaperone is medically unnecessary. The bill also requires the regulations to include a provision permitting health care practitioners to refuse to per-

form medical services for a patient who refuses the presence of a chaperone.

Patron - Suetterlein

Property and Conveyances [Effective October 1, 2019]

Passed

P HB174 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; marine clays.

Provides that the owner of residential property makes no representations with respect to whether the property is located on or near deposits of marine clays (marumscos soils). The bill also advises purchasers to exercise whatever due diligence is deemed necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including consulting public resources regarding local soil conditions and having the soil and structural conditions of the property analyzed by a qualified professional.

Patron - Krizek

P HB175 Virginia Residential Property Disclosure Act; disclosures for a buyer to beware; radon gas.

Adds to the disclosure statement required to be furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to whether the property is located in a locality classified as Zone 1 or Zone 2 by the U.S. Environmental Protection Agency's Map of Radon Zones.

Patron - Krizek

P HB176 Property Owners' Association Act and Virginia Condominium Act; contract disclosure statement; extension of right of cancellation.

Provides for a limited extension of the right of cancellation where such extension is provided for in a ratified real estate contract, defined in the bill. This bill is identical to SB 672.

Patron - Simon

P HB334 Manufactured Home Lot Rental Act; relocation expenses.

Provides that if the termination of a manufactured home park rental agreement is due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use, the landlord shall provide certain relocation expenses to each manufactured home owner in the park within the 180-day notice period for the purpose of removing the manufactured home from the park.

Patron - Krizek

P HB393 Landlord and tenant; tenant rights and responsibilities.

Requires the Director of the Department of Housing and Community Development to develop a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and maintain such statement on the Department's website along with a form to be signed by the parties to a rental agreement. The bill requires that the statement be provided to any prospective tenant and that the form developed by the Department be signed by the parties to the rental agreement. The bill prohibits a landlord from filing or maintaining an action against a tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities. This bill is identical to SB 707.

Patron - Ward

P HB518 Virginia Residential Property Disclosure Act; disclosures for a buyer to beware; residential building energy analyst. Adds obtaining a residential building energy analysis to the disclosure statement furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon. This bill is a recommendation of the Virginia Housing Commission. The bill incorporates HB 574 and is identical to SB 628.

Patron - Bulova

P HB519 Virginia Residential Landlord and Tenant Act; notice of termination to contain legal aid information. Provides that no notice of termination of tenancy served upon a tenant receiving tenant-based rental assistance through (i) the Housing Choice Voucher Program, 42 U.S.C. § 1437f(o), or (ii) any other federal, state, or local program by a private landlord is effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the statewide legal aid telephone number and website address. This bill is identical to SB 115.

Patron - Bulova

P HB594 Virginia Residential Landlord and Tenant Act; return of security deposit. Requires the landlord to return the tenant's security deposit, minus any deductions or charges, within 45 days of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last. Under current law, the 45-day period to return the security deposit begins on the date of the termination of the tenancy. This bill is identical to SB 388.

Patron - Bourne

P HB720 Property Owners' Association Act; notice on restrictions on display of political signs. Requires the association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of political signs by a lot owner on his lot.

Patron - Reid

P HB788 Restrictive covenants; certificate of release of certain prohibited covenants. Prohibits a deed containing a restrictive covenant from being recorded on or after July 1, 2020, and provides the form for a Certificate of Release of Certain Prohibited Covenants to be recorded to remove any such restrictive covenant.

Patron - Bagby

P HB819 Real estate settlements; kickbacks and other payments; remedies; civil penalties. Relocates from Chapter 9 (Real Estate Settlements) to Chapter 10 (Real Estate Settlement Agents) within Title 55.1 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. 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 10 of Title 55.1 provisions that (i) authorize a court to assess civil penalties of not more than \$5,000 per violation of the chapter and (ii) authorize the recovery of costs and reasonable expenses and attorney fees.

Patron - Simon

P HB831 Utility easements; location of broadband and other communications facilities. Declares that it is the policy of the Commonwealth that (i) easements for the location

and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement; (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate; (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; and (d) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measure provides that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. This bill is identical to SB 794.

Patron - Carroll Foy

P HB838 Virginia Residential Property Disclosure Act; Real Estate Board; disclosure statement. Requires the residential property disclosure statement form developed by the Real Estate Board and maintained on its website to include a statement signed by the parties acknowledging that the purchaser has been advised of the disclosures listed on the residential property disclosure statement. Currently, such form only requires an acknowledgment that the purchaser has been advised to review the residential property disclosure statement.

Patron - Convors-Fowler

P HB859 Stormwater management facilities; private residential lots; disclosure. Directs the State Water Control Board to adopt regulations requiring the owner of residential property on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such stormwater management facility with the deed for the owner's property. The bill requires an owner of residential real property who has actual knowledge of a privately

owned stormwater management facility located on the property to disclose to a purchaser of the property the long-term maintenance and inspection requirements of the facility.

Patron - Convirs-Fowler

P HB1161 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; lead pipes. Adds to the disclosure statement required to be furnished by the owner of residential real property to a buyer that the buyer beware and exercise necessary due diligence with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free." The bill also requires any licensee who is engaged by a landlord and who has actual knowledge of the existence of any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" to disclose such information to a prospective tenant.

Patron - Lopez

P HB1249 Manufactured Home Lot Rental Act; manufactured home park; termination due to sale of park; notice. Provides that where the sale of a manufactured home park is due to a change in the use of all or any part of a manufactured home park by the landlord, including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition, a 180-day written notice is required to terminate the rental agreement. The bill also requires a manufactured home park owner who offers or lists the park for sale to a third party to provide written notice to (i) the Department of Housing and Community Development, which shall make the information available on its website within five days of receipt, and (ii) each tenant of the manufactured home park at least 90 days prior to accepting an offer. The bill provides that tenants who have been evicted from a manufactured home park have 90 days after a judgment has been entered in which to rent the manufactured home to a subtenant, contingent on the subtenant's making a rental application to the manufactured home park owner within such 90-day period and approval by the home park owner of such rental application from the subtenant. This bill incorporates HB 1163 and HB 1229.

Patron - Torian

P HB1333 Landlord and tenant; damage insurance in lieu of security deposit. Provides that a landlord may permit a tenant to provide damage insurance coverage meeting certain criteria in lieu of the payment of a security deposit. The bill also caps the total amount of any combination of security deposit and rental insurance coverage required by the landlord to twice the amount of the periodic rent payment and provides that a tenant who initially opts to provide damage insurance in lieu of a security deposit may, at any time without consent of the landlord, opt to pay the full security deposit to the landlord in lieu of maintaining a damage insurance policy.

Patron - Keam

P HB1340 Revision of Title 55. Makes technical amendments relating to the revision and recodification of Title 55 enacted in the 2019 Session. The bill also implements clarifying changes and other changes made in the revision and recodification. This bill is a recommendation of the Virginia Code Commission.

Patron - Leftwich

P HB1342 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; lead pipe; defective drywall. Adds to the disclosure statement required to be furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence

(i) with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" and (ii) with respect to the existence of defective drywall on the property. This bill received Governor's recommendations.

Patron - Askew

P HB1401 Landlord and tenant; remedy for unlawful ouster; ex parte issuance of order to recover possession. Provides that, upon receipt of a petition for an order to recover possession or restore essential services alleging a tenant's unlawful ouster from the rental premises and a finding that the petitioner has attempted to provide the landlord with actual notice of the hearing on the petition, the judge of the general district court may issue such order ex parte upon a finding of good cause to do so. The bill further provides that an ex parte order shall be a preliminary order that specifies a date for a full hearing on the merits of the petition, to be held within five days of the issuance of the ex parte order.

Patron - Askew

P HB1420 Landlord and tenant; charge for late payment of rent; restrictions. Provides that a landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement, and that no such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant. This bill incorporates HB 1669. This bill received Governor's recommendations.

Patron - Bourne

P HB1548 Common interest communities; Virginia Condominium Act; termination of condominium; respective interests of unit owners. Provides that the respective interests of condominium unit owners upon the termination of a condominium shall be as set forth in the termination agreement, unless the method of determining such respective interests is other than the relative fair market values, in which case the association shall provide each unit owner with a notice stating the result of that method for the unit owner's unit and, no later than 30 days after transmission of that notice, any unit owner disputing the interest to be distributed to his unit may require that the association obtain an independent appraisal of the condominium units. The bill provides a method of adjusting the respective interests of the unit owners if the amount of such independent appraisal of an objecting unit owner's unit is at least 10 percent more than the amount stated in the association's notice.

Patron - Simon

P HB1569 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; impounding structures or dams. Directs the Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status of any impounding structure or dam on the owner's property or under the ownership of a common interest community that the owner of the property is required to join. This bill is identical to SB 343.

Patron - Convirs-Fowler

P SB115 Virginia Residential Landlord and Tenant Act; notice of termination to contain legal aid information. Provides that no notice of termination of tenancy served upon a tenant receiving tenant-based rental assistance through (i) the Housing Choice Voucher Program, 42 U.S.C. § 1437f(o), or (ii) any other federal, state, or local program by a private landlord is effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of

the notice, the statewide legal aid telephone number and web-site address. This bill is identical to HB 519.

Patron - Favola

P SB343 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; impounding structures or dams. Directs the Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status of any impounding structure or dam on the owner's property or under the ownership of a common interest community that the owner of the property is required to join. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to HB 1569.

Patron - Locke

P SB388 Virginia Residential Landlord and Tenant Act; return of security deposit. Requires the landlord to return the tenant's security deposit, minus any deductions or charges, within 45 days of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last. Under current law, the 45-day period to return the security deposit begins on the date of the termination of the tenancy. This bill is identical to HB 594.

Patron - McPike

P SB584 Common interest communities; Virginia Real Estate Time-Share Act. Amends language in the Virginia Real Estate Time-Share Act to clarify the use of the terms "project" and "program" as they relate to registration of a time-share program.

Patron - Mason

P SB628 Virginia Residential Property Disclosure Act; disclosures for a buyer to beware; residential building energy analyst. Adds obtaining a residential building energy analysis to the disclosure statement furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon. This bill is a recommendation of the Virginia Housing Commission and is identical to HB 518.

Patron - Surovell

P SB630 Common interest communities; electric vehicle charging stations permitted. Prohibits certain common interest community associations from prohibiting the installation of an electric vehicle charging station within the boundaries of a member's unit or limited common element parking space appurtenant to the unit owned by the unit owner or, in the case of a property owners' association, a lot owner's property, and sets forth provisions governing the installation and removal of such charging stations. The bill also requires the association member installing an electric vehicle charging station to indemnify and hold the association harmless from all liability resulting from a claim arising out of the installation, maintenance, operation, or use of such charging station.

Patron - Surovell

P SB672 Property Owners' Association Act and Virginia Condominium Act; contract disclosure statement; extension of right of cancellation. Provides for a limited extension of the right of cancellation where such extension is provided for in a ratified real estate contract, defined in the bill. This bill is identical to HB 176.

Patron - Mason

P SB707 Landlord and tenant; tenant rights and responsibilities. Requires the Director of the Department of Housing and Community Development to develop a statement

of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and maintain such statement on the Department's website along with a form to be signed by the parties to a rental agreement. The bill requires that the statement be provided to any prospective tenant and that the form developed by the Department be signed by the parties to the rental agreement. The bill prohibits a landlord from filing or maintaining an action against a tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities. This bill is identical to HB 393.

Patron - McClellan

P SB794 Utility easements; location of broadband facilities. Declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement; (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate; (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; and (d) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measure provides that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. This bill is identical to HB 831.

Patron - Lewis

P SB905 Landlord and tenant; tenant's remedy by repair. Permits a tenant, under certain circumstances, to have a condition that constitutes a material noncompliance by the

landlord with the rental agreement or with provisions of law, or that if not promptly corrected will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, remedied by a third-party licensed contractor or a licensed pesticide business. The bill provides that, unless the tenant has been reimbursed by the landlord, the tenant may deduct from rent the actual costs incurred, not to exceed the greater of one month's rent or \$1,500, after submitting to the landlord an itemized statement accompanied by receipts for purchased items and third-party contractor or pest control services.

Patron - Stanley

Failed

F HB13 Fiduciary management of condominium association funds; permissible investments. Authorizes the fiduciary managing agent of a condominium association to invest managed funds in United States securities or maintain a limited amount of managed funds in a money market account that invests in United States securities or other financial instruments guaranteed by securities of the United States. Under current law, a fiduciary managing agent may only keep association funds in a trust account in a federally insured financial institution.

Patron - Ware

F HB329 Virginia Residential Landlord and Tenant Act; notice of termination to contain legal services contact information. Provides that no notice of termination of tenancy served upon any residential tenant is effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the name, address, and telephone number of the legal services program, if any, serving the jurisdiction in which the premises is located. Under current law, this requirement is only applicable to a public housing authority organized under the Housing Authorities Law. The bill also requires that such information be provided in English and Spanish.

Patron - Levine

F HB574 Virginia Residential Property Disclosure Act; residential building energy analysis. Specifies residential building energy analysis as a method of due diligence that a prospective homeowner may choose to perform when purchasing a residential property. Currently, the residential property disclosure statement provided to purchasers by the Real Estate Board advises purchasers to perform due diligence and specifies only home inspection as one such method. This bill was incorporated into HB 518.

Patron - Keam

F HB756 Virginia Residential Landlord and Tenant Act; Eviction Diversion Pilot Program; option to pay a redemption tender. Allows a tenant who has exercised his right of redemption prior to July 1, 2020, to participate in the Eviction Diversion Pilot Program. The bill repeals a 2019 enactment clause excluding such tenants from participation.

Patron - Aird

F HB858 Virginia Residential Property Disclosure Act and Virginia Residential Landlord and Tenant Act; required disclosures; impounding structures, dams, flood hazard areas, and stormwater management facilities. 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 disclosure that states such information to a potential purchaser. The owner of any residential real property upon which a stormwater management facility

is located is required to provide to a prospective purchaser a written disclosure that includes specifications, requirements, and a schedule of audits of such facility. Such disclosures are to be made on forms provided by the Real Estate Board on its website. The bill also requires the landlord of a dwelling unit that has actual knowledge that the dwelling unit is on property that is located in a special flood hazard area to provide to a prospective tenant a written disclosure that states such information prior to the execution by the tenant of a written lease agreement or, in the case of an oral lease agreement, prior to occupancy by the tenant. Any tenant who is not provided the required disclosure may terminate the lease agreement at any time within 60 days of discovery that the property is located in a special flood hazard area. The bill adds to the required disclosures for the buyer to beware that the owner makes no representation with respect to the condition or regulatory status of any impounding structure or dam on the property or under the ownership of the common interest community that the owner of the property is required to join, and purchasers are advised to exercise due diligence in determining such information.

Patron - Convirs-Fowler

F HB979 Utility easements; pole attachments. Declares that a prescriptive easement, including the right to use such easement for both electric and communications services, exists in an area unserved by broadband when an electric cooperative has a utility map showing the placement, dating back not fewer than 20 years, of facilities owned, maintained, or controlled by the electric cooperative within an easement, and there is no documentation in those records of the electric cooperative or in the public record showing a grant of an inconsistent express easement by the landowner to the cooperative within the easement area. The measure entitles a third-party nongovernmental broadband service provider to use such a prescriptive easement at no charge by the electric cooperative for apportionment and lease of the real estate rights of the cooperative. The measure also provides that when a cooperative has acquired a prescriptive easement in an area unserved by broadband pursuant to which it has the right to install, maintain, and use poles and wires or underground conduits for a communications purpose, it shall be the public policy of the Commonwealth to encourage broadband expansion and to interpret such easement to also include the right of a nongovernmental broadband service provider to install, maintain, operate, repair, and replace broadband lines, systems, and facilities necessary for the provision and extension of broadband and other communications services within such easement. The measure gives the State Corporation Commission exclusive jurisdiction over any dispute as to the right of an electric cooperative or nongovernmental broadband service provider to use such a prescriptive easement.

Patron - LaRock

F HB1009 Common interest communities; Virginia Real Estate Time-Share Act. Amends language in the Virginia Real Estate Time-Share Act to clarify the use of the terms "project" and "program" as they relate to registration of a time-share program. The bill also differentiates between a time-share and time-share interest, defined in the bill, and removes unused definitions. The bill contains technical amendments.

Patron - Davis

F HB1068 Broadband service; prescriptive easements. Provides that if a public service company has acquired a prescriptive easement pursuant to which it has the right to poles and wires to provide electric service, its rights under that prescriptive easement shall be deemed to include the right to grant to a provider of broadband or other telecommunications services the rights to attach its wires and facilities to the public

service company's poles and to enter upon the right-of-way to install and maintain the wires and facilities without the approval of the owner of the servient tract of land.

Patron - Kory

F **HB1163** **Manufactured Home Lot Rental Act; right to rent manufactured home upon eviction.** Allows a tenant who has been evicted from a manufactured home park to rent the manufactured home. Current law allows such tenant to sell the home or remove the home from the manufactured home park. This bill was incorporated into HB 1249.

Patron - Lopez

F **HB1195** **Virginia Residential Landlord and Tenant Act; notice of termination to contain legal services contact information.** Provides that no notice of termination of tenancy served upon any residential tenant is effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the name, address, and telephone number of the legal services program, if any, serving the jurisdiction in which the premises is located. The same requirement is currently only applicable to a public housing authority organized under the Housing Authorities Law.

Patron - Lopez

F **HB1229** **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. This bill was incorporated into HB 1249.

Patron - Jenkins

F **HB1391** **Deeds of trust; fiduciary duties.** Specifies that a trustee under a deed of trust has only the duties, rights, and obligations imposed and conferred on it by the deed of trust or by statute. The bill further requires that a trustee shall comply with all restrictive covenants regarding the affordability of the property and that a trustee under a deed of trust is a fiduciary for both the debtor and the creditor. This bill is in response to *Crosby v. ALG Trustee, LLC*, 296 Va. 561 (2018).

Patron - Leftwich

F **HB1669** **Landlord and tenant; charge for late payment of rent; restrictions.** Provides that a landlord may not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement and that no such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due. The bill contains technical amendments. This bill was incorporated into HB 1420.

Patron - Collins

F **SB302** **Utility easements.** Provides that any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable. The bill further provides that any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such cable, unless the instrument granting the easement was recorded prior to July 1, 2020, and specifically states otherwise.

Patron - Stanley

F **SB342** **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 such 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. This bill is a recommendation of the Virginia Housing Commission.

Patron - Locke

F **SB416** **Common interest communities; Property Owners' Association Act; special meetings.** Provides that, except to the extent the declaration or bylaws of the property owners' association provide otherwise, a special meeting may be called at the request of at least 10 percent of the voting members of the association's board of directors.

Patron - Petersen

F **SB470** **Utility easements; encroachments.** Declares that the damages to which a provider of utility services is entitled when the owner of the servient tract improves, occupies, or otherwise encroaches on an easement in which the provider has utility facilities shall be determined only on the basis of (i) any reduction in the value of such easement as a result of such construction, occupation, or other encroachment and (ii) the additional costs reasonably anticipated to be incurred by the entity in its provision of utility services. If the owner of the servient tract and the provider are unable to agree upon the appropriate amount of damages, either party may request the State Corporation Commission to determine the amount.

Patron - Reeves

F **SB539** **Utility easements; broadband or other communications services.** Declares that it is policy of the Commonwealth that (i) existing or future easements for the location and use of electric facilities be used to provide or expand broadband or other communications services; (ii) such use of such easements is in the public interest; (iii) the use of such easements for the provision of broadband or other communications services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, nor does it place any additional burden on the servient estate; and (iv) the installation and operation of broadband or other communications services within an existing or future electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure also establishes that in the absence of any express prohibition on the installation and operation of broadband services in an existing electric easement, the installation and operation of broadband services within the existing electric easement shall be deemed as a matter of law to be permitted uses within the scope of every easement for the location and use of electricity facilities. The measure also limits the damages that a landowner may be awarded in any trespass action against a public utility or a broadband service provider or any of its employees, agents, officers, attorneys, directors, representatives, or contractors arising from the installation, maintenance, or operation of any utility poles, wires, conduit, or other infrastructure or fiber

optic cabling to the lesser of actual damages or \$2,000 per tract of land.

Patron - Peake

F SB906 Property; landlord and tenant; noncompliance as defense to action for possession for nonpayment of rent. Removes provisions limiting the discretion of the court in actions for possession based upon nonpayment of rent and actions for rent by a landlord when the tenant is in possession. The bill simplifies the law; stating only that, in such cases, a tenant may assert as a defense the landlord's violation of his duty to maintain a fit and habitable premises.

Patron - Stanley

Carried Over

C HB1516 Landlord and tenant; certain owners of residential rental property; agent and registration requirements; civil penalty. Creates the Virginia Residential Rental Property Registry, to be developed and maintained by the Department of Housing and Community Development. Every owner of residential property on which three or more dwelling units are offered for rent is required to submit certain information to be placed on the Registry. Failure to properly register or maintain updated registry information is subject to a civil penalty of \$50 per unit for the first day and \$50 for each additional day of noncompliance, to be levied by the Department. The bill also requires such property owners to appoint and continuously maintain an agent who (i) is available to be contacted 24 hours a day and (ii) works or resides not more than 25 miles from any such property. The contact phone number of such agent is required to be posted in any residential building on any such property in a conspicuous manner for use by the tenants.

Patron - McQuinn

C SB253 Deeds of trust; fiduciary duties. Specifies that a trustee under a deed of trust has only the duties, rights, and obligations imposed and conferred on it by the deed of trust or by statute. The bill further requires that a trustee shall comply with all restrictive covenants regarding the affordability of the property and that a trustee under a deed of trust is a fiduciary for both the debtor and the creditor. This bill is in response to *Crosby v. ALG Trustee, LLC*, 296 Va. 561 (2018).

Patron - Chafin

C SB359 Gifts of real estate; title search required for recordation. Provides that no deed of gift conveying real estate shall be recorded unless accompanied by a document certifying that a title search has been completed for the real estate subject to the deed and stating any matters affecting the title of property that were found by the title search.

Patron - Cosgrove

Public Service Companies

Passed

P HB167 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 the utility has (i) determined that the utility cannot meet its service obligations, giving due regard, in the Commission's sole discretion, to reliability of service and the need to maintain reliable sources

of supply, without an additional fuel resource; (ii) reasonably identified and determined the date and amount of the new fuel resource it needs; (iii) objectively studied available alternative fuel resource options, as verified by the Commission, including options other than a new natural gas capacity contract or contracts to meet the identified and determined need; and (iv) determined that the natural gas capacity contract or contracts are the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization.

Patron - Ware

P HB432 Public utilities; use of small, women-owned, or minority-owned business. Provides that in any proceeding in which the State Corporation Commission is required to determine whether costs incurred by a public utility in its delivery or provision of any goods or service are reasonable or prudent, the incremental portion of the costs incurred as a result of its contracting with a small, women-owned, or minority-owned business to deliver or provide the goods or service will not be found to be unreasonable or imprudently incurred if the costs of contracting with the small, women-owned, or minority-owned business do not exceed, by more than three percent, the costs that would have been incurred had it used the lowest-cost qualified business. The measure applies to businesses that are certified as small, women-owned, or minority-owned by the Department of Small Business and Supplier Diversity.

Patron - Carroll Foy

P HB528 State Corporation Commission; retirement of coal-fired or natural gas-fired electric generation facilities. Requires the State Corporation Commission to determine the amortization period for recovery of any appropriate costs due to the early retirement of any coal-fired or natural gas-fired electric generation facilities owned or operated by any Phase I or Phase II Utility. The bill requires the Commission, in making such determination, to (i) perform an independent analysis of the remaining undepreciated capital costs; (ii) establish a recovery period that best serves ratepayers; and (iii) allow for the recovery of any carrying costs that the Commission deems appropriate.

Patron - Subramanyam

P HB572 Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts

for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 1184 and SB 710.

Patron - Keam

HB573 Community solar development pilot program; low-income communities. Requires each incumbent electric utility to select for dedication to its community solar development pilot program one or more eligible generating facilities that are located within a low-income community as a condition for the utility's selection for dedication to its program any eligible generating facility that is located outside a low-income community. The bill requires the costs of the selected facilities in low-income communities to equal or exceed the costs of the eligible generating facility that is located outside a low-income community. These requirements apply to facilities selected on or after July 1, 2020. The bill defines a low-income community as a census tract that is designated in 2019 or thereafter as a qualified census tract for purposes of the Low-Income Housing Tax Credit. Such census tracts are required to have 50 percent of households with incomes below 60 percent of the area median gross income or have a poverty rate of 25 percent or more.

Patron - Keam

HB575 Electric utilities; energy efficiency programs; stakeholder process. Requires the stakeholder process to be used by American Electric Power and Dominion Energy Virginia to provide input and feedback on compliance with the annual energy efficiency savings programs and how such savings affect utility integrated resource plans, recommended policy reforms by which the General Assembly or the State Corporation Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth, and best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the annual energy efficiency savings programs. The measure also requires each utility's stakeholder process to include the participation of relevant directors, relevant deputies, and staff members of the Commission who participate in approval and oversight of utility energy efficiency savings programs. This bill received Governor's recommendations.

Patron - Keam

HB576 Undergrounding electric transmission lines; pilot program. Specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines

to promote economic development. This bill is identical to SB 782.

Patron - Keam

HB665 Electrical transmission lines; effect on historic resources. Requires the State Corporation Commission (SCC), prior to approving the construction of any electrical transmission lines of 138 kilovolts or more, to determine that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned. Currently, the SCC is required to determine that such a line's corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned.

Patron - Mullin

HB723 Underground pipelines and conduit and electrical transmission lines; agriculture. Requires a utility company installing an underground pipeline or conduit with an inside diameter greater than 12 inches or an underground electric transmission or distribution line of greater than 115 kilovolts in capacity to mitigate the effects of the project if the project disturbs 10,000 square feet or more of agricultural land. The bill directs the State Corporation Commission to adopt regulations requiring the utility company to remove topsoil from the planned construction site and either redistribute it to graded areas elsewhere on the land of the affected property owner or store it nearby, protected from erosion and compaction, for later redistribution on the disturbed area.

Patron - Reid

HB727 E-911 dispatchers; training in telecommunicator cardiopulmonary resuscitation and emergency medical dispatch. Requires each public safety answering point (PSAP) to provide training and equipment for each of its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction, which is defined in the measure as the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests. The measure (i) requires the State Board of Health to adopt regulations that establish training and equipment standards and (ii) authorizes a PSAP to enter into reciprocal agreements with another PSAP to transfer callers to the other PSAP at times that the initial PSAP does not have a trained dispatcher on duty able to provide TCPR. The measure establishes immunity from civil damages for dispatchers who instruct a caller on TCPR. The measure also requires each operator of a PSAP to implement a requirement that each of its dispatchers complete an Emergency Medical Dispatch education program by July 1, 2024, and to conduct ongoing quality assurance of its TCPR program.

Patron - Hope

HB835 Utility Transfers Act; water and sewer utilities; asset acquisitions. Directs the State Corporation Commission to establish rules governing fair market valuations of water utility or sewer utility asset acquisitions to determine the initial rate base for the purpose of post-acquisition rate recovery. Such rules shall identify information to be filed in addition to all other filing requirements in the Utility Transfers Act (§ 56-88 et seq.). This bill is identical to SB 831.

Patron - Sullivan

HB868 Electric utilities; right to shop. Authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including

any incumbent electric utility. Currently, such customers may purchase electric power from such suppliers, other than an incumbent electric utility that is not the incumbent electric utility serving the exclusive territory in which the customer is located, only if their incumbent electric utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy. The measure also provides that a cooperative utility customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy is prohibited from purchasing electric energy provided 100 percent from renewable energy from a licensed supplier, except such customer is authorized to continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the Commission such tariff for electric energy provided 100 percent from renewable energy for the duration of such agreement. The provisions of the bill will not become effective unless reenacted by the 2021 Session of the General Assembly.

Patron - Bourne

P HB889 Electric utilities; retail competition; pilot program. Requires the State Corporation Commission to conduct a pilot program under which two or more certain nonresidential customers within the service territory of Dominion Energy Virginia, are permitted to purchase electric energy from any supplier of electric energy licensed to sell electric energy within the Commonwealth. The aggregated load participating in the pilot program is limited to 200 megawatts.

Patron - Mullin

P HB1030 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 for a period of 10 years and (ii) does not preclude (a) any underground transmission lines in such right-of-way or (b) any electrical distribution lines in such right-of-way. 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

P HB1133 Solar and wind energy projects on previously developed project sites. Declares that the construction or purchase by a public utility prior to January 1, 2024, of one or more solar or wind generation facilities located on a previously developed project site in the Commonwealth having in the aggregate a rated capacity that does not exceed 200 megawatts, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities owned by persons other than a public utility, is in the public interest. This bill received Governor's recommendations.

Patron - Jones

P HB1183 State Corporation Commission; bulk energy storage resources. Requires the State Corporation Commission to establish a task force to evaluate and analyze the potential for bulk energy storage resources to, among other things, help integrate renewable energy into the electrical grid. The measure requires the Commission to submit the results of task force's evaluation and analysis to the General Assembly by October 1, 2021.

Patron - Lopez

P HB1184 Distributed renewable energy. Promotes the establishment of distributed renewable solar and other

renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 572 and SB 710.

Patron - Lopez

P HB1225 Electric utilities; notice before terminating service. Prohibits an electric utility from terminating the residential service of a customer for nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility's meter until the electric utility has (i) retrieved the meter from the customer's premises, which may be done without providing prior notice to the customer; (ii) immediately replaced it with a new meter; and (iii) determined whether the meter has been tampered with. The measure requires that if the electric utility determines that the meter has been tampered with and seeks payment for services not properly billed, the electric utility must provide the customer with an invoice with a reasonable and final estimate of the amount owed by the customer as a result of the meter's failure. The electric utility is required to provide the customer one full billing period to pay the amount billed in such invoice. The measure authorizes a customer to submit a complaint to the State Corporation Commission and to file a formal proceeding after the informal complaint process has been exhausted. The measure includes specific conditions for which these requirements do not apply, including when the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the utility service or when 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.

Patron - Tran

P HB1280 Electric utilities; broadband capacity. Authorizes an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity. The leases may extend in length beyond the end of the pilot program under which the utility provides broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband.

Patron - O'Quinn

P HB1526 Virginia Clean Economy Act. Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase those savings annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities;

(vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice, to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-

income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. This bill is identical to SB 851.

Patron - Sullivan

P HB1576 Electric utility regulation; energy efficiency programs; industrial customers. Revises the definition of "large general service customer" from a customer with a verifiable history of demand from 500 kilowatts from a single meter of delivery to one with one megawatt at a single site. Large general service customers are exempt from the costs of certain energy efficiency programs if the State Corporation Commission finds that such customer has implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria. The measure requires the Commission to adopt regulations (i) establishing the process for large general service customers to apply for such an exemption, (ii) establishing the administrative procedures by which eligible customers will notify the utility, and (iii) defining the standard criteria that is required to be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements. The bill requires such rules and regulations to require that each exempted large general service customer certify to the utility and Commission that its implemented energy efficiency programs have delivered measured and verified savings within the prior five years.

Patron - Kilgore

P HB1634 Shared solar programs. Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of Dominion Virginia to purchase electric power through a subscription in a shared solar facility, which is defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts. Under the program, a subscriber receives a bill credit for the proportional output of a share solar facility attributable to that subscriber. Subscribers are required to pay a minimum bill, established by the Commission, that includes the costs of infrastructure and related services. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent of low-income customers and that the Commission will approve an additional 50 megawatts upon determining that at least 45 megawatts of the shared solar capacity have been subscribed to by low-income customers. This bill is identical to SB 629. This bill received Governor's recommendations.

Patron - Jones

P HB1647 Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) increases from one percent to six percent the systemwide cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customers of investor-owned utilities, (iii) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (iv) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (v) removes the ability of a Phase I Utility to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill received Governor's recommendations.

Patron - Jones

P HB1656 Electric utilities; incentive programs for low-income customers. Authorizes Dominion Energy Virginia and American Electric Power to recover, through a rate adjustment clause, the costs of designing, implementing, and operating programs to provide incentives to low-income, elderly, and disabled individuals who participate in an energy conservation program, or to organizations providing residential services to such individuals, for the installation of, or access to, solar energy generating equipment. The measure also clarifies that these utilities shall submit a petition for approval to design, implement, and operate a separate three-year incentive program, in an amount not to exceed \$25 million in the aggregate, to enable the installation of, or access to, solar energy equipment, that is in addition to the existing \$25 million in incentives the utilities are required to provide over three years to low-income, elderly, and disabled individuals for energy conservation measures.

Patron - O'Quinn

P HB1664 Electric utilities; offshore wind development. Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure provides that 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 except for low-income customers and certain commercial and industrial customers. The measure requires the utility to (i) identify options for utilizing local workers; (ii) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) give priority to the hiring of local workers, including workers from historically economically disadvantaged communities. The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities. This bill incorporates HB 1607. This bill received Governor's recommendations.

Patron - Hayes

P SB629 Shared solar programs. Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of Dominion Virginia to purchase electric power through a subscription in a shared solar facility, which is defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts. Under the program, a subscriber receives a bill credit for the proportional output of a share solar

facility attributable to that subscriber. Subscribers are required to pay a minimum bill, established by the Commission, that includes the costs of infrastructure and related services. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent of low-income customers and that the Commission will approve an additional 50 megawatts upon determining that at least 45 megawatts of the shared solar capacity have been subscribed to by low-income customers. This bill is identical to HB 1634. This bill received Governor's recommendations.

Patron - Surovell

P SB632 Public utilities; energy storage capacity in the Commonwealth. Provides that it is the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030. The bill provides that energy storage facilities with an aggregate capacity of 2,700 megawatts are in the public interest and that prior to January 1, 2030, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest. The bill requires that at least 65 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest is from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. The bill provides that such purchases shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such facilities do not exceed 25 percent of the utility's energy storage capacity. The bill provides that an integrated resource plan (IRP) should include recommended plans for utilizing energy storage facilities to meet forecasted demand and assure adequate and sufficient reliability of service and requires that in preparing an IRP, each electric utility shall systematically evaluate and may propose developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation. Finally, the bill requires the State Corporation Commission, in the annual report required by legislation enacted in the 2018 Session, to assess the aggregate annual new construction and purchase of energy storage facilities.

Patron - Surovell

P SB710 Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent

of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 572 and HB 1184.

Patron - McClellan

P SB720 E-911 dispatchers; training in telecommunicator cardiopulmonary resuscitation and emergency medical dispatch. Requires each public safety answering point (PSAP) to provide training and equipment for each of its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction, which is defined in the measure as the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests. The measure (i) requires the State Board of Health to adopt regulations that establish training and equipment standards and (ii) authorizes a PSAP to enter into reciprocal agreements with another PSAP to transfer callers to the other PSAP at times that the initial PSAP does not have a trained dispatcher on duty able to provide TCPR. The measure establishes immunity from civil damages for dispatchers who instruct a caller on TCPR. The measure also requires each operator of a PSAP to implement a requirement that each of its dispatchers complete an Emergency Medical Dispatch education program by July 1, 2024, and to conduct ongoing quality assurance of its TCPR program. This bill is identical to HB 727.

Patron - McClellan

P SB731 Rate of return for investor-owned electric utilities. Provides that the State Corporation Commission, in determining a fair rate of return on common equity for an investor-owned electric utility after January 1, 2020, shall not set such rate (i) lower than the average of either (a) the average of the returns on common equity of the utility's peer group reported to the Securities and Exchange Commission for the three most recent annual periods or (b) the authorized returns on common equity that is set by the applicable regulatory commission for other investor-owned electric utilities in the utility's peer group or (ii) higher than 150 basis points above such average.

Patron - McClellan

P SB754 Electric cooperatives; on-bill tariff programs. Authorizes electric cooperatives to establish on-bill tariff programs under which the cooperative and a customer enter into an agreement that provides for the costs, including financing costs, of energy efficiency measures to be paid by or through the cooperative and repaid by the customer by means of an energy savings charge on the customer's monthly bill. Under the bill, energy efficiency measures can include heating and air conditioning systems, water heaters, weatherization, insulation, window and door modifications, appliances, and automatic or Internet-connected control systems.

Patron - Marsden

P SB782 Undergrounding electric transmission lines; pilot program. Specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an

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

Patron - Saslaw

P SB831 Utility Transfers Act; water and sewer utilities; asset acquisitions. Directs the State Corporation Commission to establish rules governing fair market valuations of water utility or sewer utility asset acquisitions to determine the initial rate base for the purpose of post-acquisition rate recovery. Such rules shall identify information to be filed in addition to all other filing requirements in the Utility Transfers Act (§ 56-88 et seq.). This bill is identical to HB 835.

Patron - Lewis

P SB851 Virginia Clean Economy Act. Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and

increase those savings annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to

submit the stakeholder recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice, to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. This bill is identical to HB 1526.

Patron - McClellan

P SB860 Electric utilities; offshore wind development. Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure provides that 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 except for low-income customers and certain commercial and industrial customers. The measure requires the utility to (i) identify options for utilizing local workers; (ii) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) give priority to the hiring of local workers, including workers from historically economically dis-

advantaged communities. The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities. This bill received Governor's recommendations.

Patron - Mason

P SB998 Electric utilities; offshore wind development. Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure provides that 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 except for low-income customers and certain commercial and industrial customers. The measure requires the utility to (i) identify options for utilizing local workers; (ii) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) give priority to the hiring of local workers, including workers from historically economically disadvantaged communities. This bill received Governor's recommendations.

Patron - Lucas

Failed

F HB20 Virginia Alternative Energy and Coastal Protection Act. Directs the Department of Environmental Quality to implement the final carbon trading regulation as approved by the State Air Pollution Control Board in order to establish a carbon dioxide cap and trade program that limits and reduces the total carbon dioxide emissions released by electric generation facilities and that complies with the Regional Greenhouse Gas Initiative model rule. The measure authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The measure requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to assist counties, cities, towns, residents, and businesses affected by recurrent flooding, sea-level rise, and flooding from severe weather events; (ii) to support energy efficiency programs; (iii) to support renewable energy programs; (iv) to provide economic development, education, and workforce training programs for families and businesses in Southwest Virginia for the purpose of revitalizing communities negatively affected by the decline of fossil fuel production; (v) to the Vir-

ginia Natural Resources Commitment Fund to fund the Virginia Agricultural Best Management Practices Cost-Share Program; and (vi) for administrative expenses. The measure states that development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, or from onshore or offshore wind, to achieve the reduction in carbon dioxide emissions is in the public interest and directs Dominion Energy Virginia and Appalachian Power to achieve a minimum of 50 percent of the reduction in carbon dioxide emissions through the development of such utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, or from onshore or offshore wind. The measure provides that any retail customer that purchases electric energy from a supplier other than the incumbent electric utility serving the exclusive service territory in which such retail customer is located shall pay a non-bypassable surcharge. The measure also requires the Department to establish an allowance set-aside for any electric generation facility subject to a cap and trade program that operates according to a long-term contract as of January 1, 2020, that prohibits the recovery of allowance costs. This bill was incorporated into HB 981.

Patron - Lindsey

F HB75 Electric utilities; electric school bus pilot program. Authorizes Dominion Energy Virginia to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program is limited to the deployment of 50 electric school buses at a cost of up to \$13.5 million. In each of the five years thereafter, the pilot program may be expanded by up to 200 additional electric school buses at a cost of up to \$54 million per year. The pilot program provides that (i) the utility may use vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use and (ii) the primary purpose of electric school buses is student transportation and if the Phase II utility's use of the battery compromises the school boards' ability to transport the students either through bus unavailability or insufficient charge, then the Phase II utility will compensate the school board. The duration of the pilot program shall not exceed 10 years, though the utility may petition the State Corporation Commission to make it permanent. Program costs, including the incremental cost of the electric school buses, are recoverable through the utility's base rates.

Patron - Kory

F HB77 Fossil fuel projects moratorium; clean energy mandates; civil penalties; Green New Deal Act. Establishes a moratorium, effective January 1, 2021, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar year 2036 and every calendar year thereafter, 100 percent of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or gener-

ates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to clean renewable energy. The measure provides that residents of the Commonwealth and organizations shall have the legal standing to sue to ensure that its provisions and any Climate Action Plan are enforced. The measure requires (a) a 36 percent reduction in electric energy consumption in buildings by 2035, (b) the establishment of job training programs and energy worker protections, (c) transitional assistance for workers in the fossil fuel industry and affected communities, and (d) environmental justice protections. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community, defined in the bill.

Patron - Rasoul

F HB206 Electric utility regulation; retail customer choice. Replaces the Virginia Electric Utility Regulation Act with a system under which retail customers will be able to purchase electricity from the retail electric provider of their choice. The measure requires each incumbent investor-owned utility, electric cooperative, and municipal electric authority by January 10, 2021, to file with the State Corporation Commission a plan by which it will separate its customer energy services business activities that are otherwise also already widely available in the competitive market from its regulated utility activities by September 1, 2021, and to separate its business activities into an electric distribution utility, an electric transmission utility, a power generation company, and a retail electric provider, or into a single electric transmission and distribution utility, by January 1, 2022. Such separation may be accomplished by creating separate investor-owned companies, cooperatives, or municipal electric authorities or through the sale of assets to a third party. The measure provides consumer safeguards, including requirements that a retail customer have the right to choose a retail electric provider and to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources. When customer choice commences, a retail electric provider that is serving a retail customer on December 31, 2021, may continue to serve that customer until the customer chooses service from a different retail electric provider. If the Commission determines that a region served by an incumbent electric utility is unable to offer fair competition and reliable service to all retail customer classes on January 1, 2022, the measure requires the Commission to delay customer choice for the region. The Commission may use pilot projects to evaluate the ability of each region served by an incumbent electric utility to implement customer choice. After January 1, 2022, an incumbent electric utility may not sell electricity or otherwise participate in the market for electricity except for the purpose of buying electricity to serve its own needs or while competition for the region served by the utility is delayed. The measure requires the Commission to designate, through a bid process or other method, retail electric providers to serve as providers of last resort, which will be required to offer a customer retail service at a rate approved by the Commission. Metering services will be provided by an area's incumbent electric utility or the electric distribution utility separated from the incumbent electric utility. Each electric distribution utility is required to bill a customer's retail electric provider for non-

bypassable delivery charges equal to the sum of electric utility charges by customer class based on a forecasted 2022 test year and the generic customer classes and generic rate design established by the Commission and a system benefit fund fee. The system benefit fund fee will be allocated to retail electric customers on the basis of the amount of kilowatt hours used and will be set by the Commission in an amount to cover the costs of customer education programs, a percentage of income payment plan, weatherization programs, and energy efficiency programs. The measure requires electric distribution utilities to deploy advanced metering and meter information networks for all of their residential customers and nonresidential customers within three years after the start date of customer choice, the costs of which shall be recovered by a non-bypassable surcharge. The measure authorizes the Commission to mitigate market power abuses associated with the transmission, distribution, and sale of electricity. The measure requires the Commission by March 1, 2021, to establish an independent distribution system operator (IDSO) that will operate and plan the distribution systems of all electric distribution utilities and perform other duties, including ensuring open access to the distribution systems for all buyers and sellers of electricity on nondiscriminatory terms. The IDSO's costs will be recovered through a reasonable and competitively neutral rate or fee that is within a range determined by the Commission. Distribution utilities are required to transfer the management and control of their distribution system assets to the IDSO and to observe the IDSO's policies, rules, guidelines, and procedures. By January 1, 2021, each electric utility is required to file proposed tariffs for its open-access distribution service, and the Commission is required to set tariffs for electric utility services and the system benefit fund fee for each utility by January 1, 2022. The rates are required to afford the utility a reasonable opportunity to recover its reasonable costs and a reasonable rate of return, fairly allocate the utility's costs among customers, and provide an appropriate price signal to customers with respect to renewable energy. The measure requires incumbent retail electric providers to make available from January 1, 2022, until January 1, 2027, to residential and small commercial retail electric customers in its former service area utility "price to beat rates" that are six percent less than the incumbent electric utility's corresponding average rates that were in effect on January 1, 2019, adjusted to reflect the wholesale power cost basis. Incumbent retail electric providers are prohibited from charging these customers rates that are different from the price to beat until the earlier of 36 months after the date customer choice is introduced or the date that at least 40 percent of the electric power consumed in the utility's service area before customer choice is committed to be served by independent retail electric providers. The measure requires that retail electric providers be certified by the Commission and that aggregators register with the Commission. The measure establishes a Percentage of Income Payment Plan (PIPP) providing financial assistance for residential customers whose household income is at or below 150 percent of the federal nonfarm poverty level. Under the PIPP, the level of payment responsibility to be borne by an eligible customer is based on a percentage of the customer's income. Participants in the PIPP will receive a monthly credit for the amount by which the participant's actual monthly bill for electric service or the statewide average monthly bill amount for that month, whichever is less, exceeds 10 percent of the participant's monthly household income if the participant's residence's primary source of space heating is electricity or six percent of the participant's monthly household income if the participant's residence's primary source of space heating is natural gas or propane. The Commission is also required to establish and implement a home weatherization program. The measure requires the IDSO to identify the achievable cost-effective energy efficiency potential for each electric distribution utility service area in the Commonwealth and, if it deter-

mines that an electric distribution utility service area has achievable cost-effective energy efficiency potential, to issue a solicitation for bids from persons to develop and implement energy efficiency programs that achieve this potential. The measure authorizes any distributed electricity generation owner to connect distributed electricity generation to an electric distribution utility system and authorizes a retail electric provider to contract with a distributed electricity generation owner to provide that surplus electricity produced by distributed electricity generation is made available for sale to the retail electric provider and that the net value of that surplus electricity valued at the energy price at the location of the distributed electricity generator is credited to the distributed electricity generation owner. The measure provides that electric authorities and municipalities that provide electric transmission or distribution service are subject to the jurisdiction of the Commission. The measure recasts the Commission on Electric Utility Regulation as the Commission on Retail Electric Choice and extends its sunset until July 1, 2022. The measure limits the powers of electric cooperatives and eliminates their authority to operate prepaid metering systems. The measure eliminates the requirement that the Commission find that a utility's proposed construction of a new generation facility of 100 megawatts or more is necessary to enable the utility to furnish reasonably adequate service and facilities at reasonable and just rates. The measure also provides that customers who are participating in net energy metering programs and third party power purchase programs may continue to do so under certain circumstances.

Patron - Ware

F HB440 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, 2020.

Patron - Heretick

F HB771 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, 2020, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2021, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using during any future complaint proceeding 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; (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 disclo-

sure, 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

F HB912 Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.

Patron - Simon

F HB969 Electric utility regulation; initial triennial review. Establishes requirements for the first scheduled triennial review proceeding for Virginia Electric and Power Company that is scheduled to be conducted in 2021. The measure directs that such initial triennial review shall consist of a generation and distribution rate case conducted solely pursuant to Chapter 10 (§ 56-232 et seq.) of Title 56 of the Code of Virginia, rules of the State Corporation Commission, and this measure. As part of the initial triennial review, the Commission is directed to review the earnings during the utility's test period and to order credits to customers in amounts equal to any earnings during the combined test periods that are above the utility's authorized rate of return in effect on July 1, 2020, as determined in the initial triennial review. The measure authorizes the Commission to order rate adjustments and to use any methodology to determine the fair rate of return on common equity that it finds consistent with the public interest, provided that such return shall be set at a level that is sufficient to assure confidence in the utility's financial integrity, adequate to maintain and support the utility's credit and its ability to attract capital, and comparable to returns that investors in securities would expect to earn on investments of similar risk. The measure provides that any capital investments made during the combined test periods reviewed during an initial triennial review in utility owned solar or wind generation facilities or electric distribution grid transformation projects will not be applied as customer credit reinvestment offsets during such utility's initial triennial review, but any portion of such capital investments that remain undepreciated as of the utility's subsequent triennial reviews may be applied as customer credit reinvestment offsets in subsequent proceedings. The measure directs the utility to make its initial triennial review filing by March 31, 2021. Subsequent triennial reviews shall be conducted pursuant to

the Virginia Electric Utility Regulation Act. This bill was incorporated into HB 1132.

Patron - Ware

F HB971 Virginia Highway Corporation Act of 1988; termination of certificate of authority. Requires the operator of the Dulles Greenway to certify to the State Corporation Commission the date on which all original debt for the project was or will be retired. The measure requires the Commission, after determining such date, to enter an order terminating the operator's authority pursuant to its certificate of authority. The measure provides that the authority shall terminate 10 years from the date on which all of the original permanent financing will be completely retired.

Patron - LaRock

F HB1132 Electric utility regulation; initial triennial review. Establishes requirements for the first scheduled triennial review proceeding for Virginia Electric and Power Company that is scheduled to be conducted in 2021. The measure directs that such initial triennial review shall consist of a generation and distribution rate case conducted solely pursuant to Chapter 10 (§ 56-232 et seq.) of Title 56 of the Code of Virginia, rules of the State Corporation Commission, and this measure. As part of the initial triennial review, the Commission is directed to review the earnings during the utility's test period and to order credits to customers in amounts equal to any earnings during the combined test periods that are above the utility's authorized rate of return in effect on July 1, 2020, as determined in the initial triennial review. The measure authorizes the Commission to order rate adjustments and to use any methodology to determine the fair rate of return on common equity that it finds consistent with the public interest, provided that such return shall be set at a level that is sufficient to assure confidence in the utility's financial integrity, adequate to maintain and support the utility's credit and its ability to attract capital, and comparable to returns that investors in securities would expect to earn on investments of similar risk. The measure provides that any capital investments made during the combined test periods reviewed during an initial triennial review in solar or wind generation facilities or electric distribution grid transformation projects will not be applied as customer credit reinvestment offsets during such utility's initial triennial review, but any portion of such capital investments that remain undepreciated as of the utility's subsequent triennial reviews may be applied as customer credit reinvestment offsets in subsequent proceedings. The measure directs the utility to make its initial triennial review filing by March 31, 2021. Subsequent triennial reviews shall be conducted pursuant to the Virginia Electric Utility Regulation Act. This bill incorporates HB 969.

Patron - Jones

F HB1152 Regional Greenhouse Gas Initiative; Energy Efficiency Fund. Directs the Department of Environmental Quality (DEQ) to implement the final carbon trading regulation as approved by the Air Pollution Control Board providing for the establishment of a carbon dioxide cap and trade program. The measure directs the Commonwealth to become a member of the Regional Greenhouse Gas Initiative (RGGI). Pursuant to the Commonwealth's participation in the RGGI program, the Department shall seek to sell 100 percent of all allowances issued each year through the allowance auction. The measure authorizes the Director of the DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program. The measure establishes the Energy Efficiency Fund and requires that all proceeds received from the sale of allowances conducted through the RGGI program be paid into the state treasury and credited to the Fund. Not less than 50 percent of the proceeds received from the sale of allowances shall be

credited to an account to support energy efficiency programs, with at least 20 percent of the proceeds being directed to low-income energy efficiency programs. Not more than three percent of the proceeds shall be used to cover reasonable administrative expenses. The remaining funds will revert to the general fund. This bill was incorporated into HB 981.

Patron - Lopez

F HB1170 Regional electric utility or transportation sector emissions programs; participation by Commonwealth. Prohibits the Governor or any state agency or political subdivision from adopting any regulation, rule, or guidance document that establishes or authorizes the Commonwealth to join or participate in a regional program addressing emissions from the electric utility sector or transportation sector unless the program requires that all of the proceeds from the sale of emissions allowances be returned to customers in the Commonwealth.

Patron - Poindexter

F HB1298 Electric utility regulation; approval of generating facilities. Allows the State Corporation Commission, in its consideration of an application for approval of an electrical generating facility, to consider environmental effects not expressly governed by a permit or expressly considered by a permitting authority, including carbon emissions and the overall impacts of new and existing facilities on the health and welfare of the residents of the Commonwealth. The measure also removes provisions that prohibited the Commission from imposing additional conditions with respect to such matters.

Patron - Kory

F HB1360 Utility bills; statement of environmental law compliance. Requires each gas or electric utility to include as a line item on each customer's monthly billing statement an estimate of the customer's share of the utility's costs of complying with legislative or executive requirements related to the generation of electricity from specified sources, participation in regional and interstate agreements, the purchase of generation credits, emissions reduction requirements, and net-metering or distributed generation programs.

Patron - Webert

F HB1450 Electric utility regulation; energy efficiency standard. Requires Dominion Energy Virginia (DEV) and American Electric Power (AEP) to achieve incremental net annual savings in accordance with a schedule that starts in 2021, when savings are required to be at least 0.35 percent of the average annual energy retail sales by that utility in the three preceding calendar years, and increases the level of required savings until 2027 and thereafter, when savings are required to be at least two percent of the utility's average annual energy retail sales in the three preceding calendar years. The measure requires the utilities to retain an independent, qualified third-party evaluator to determine the utility's incremental net annual savings and other benefits of the program. The measure requires the State Corporation Commission, for any year that a utility meets the annual energy efficiency standard, to allow for the additional recovery of a margin on its program's operating expenses through a rate adjustment clause that provides the utility with a margin equal to the general rate of return on common equity. The Commission is directed to award an additional 20 basis points for each 0.1 percent of annual savings in excess of the required amount of savings, with a cap on total performance incentive awards in any year of 10 percent of the utility's total energy efficiency spending in that year. The measure also (i) increases the portion of the approved costs of certain utility energy efficiency programs that are required to be allocated to programs designed to benefit low-income, elderly, and disabled individuals from five percent to 15 percent of the

approved costs of such programs and adds veterans to be benefited from such programs; (ii) requires the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to include the participation of certain Commission personnel who participate in approval and oversight of utility efficiency programs; (iii) directs the Commission to increase the utility's rates to recover for revenue reductions related to energy efficiency programs if the revenue reductions have caused the utility, during the test period or periods under review, to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for DEV and after December 31, 2013, for AEP, more than 70 basis points below a fair combined rate of return on its generation and distribution services; (iv) allows certain large general service customers to avoid participation in energy efficiency programs and to avoid paying for the costs of such programs through a rate adjustment clause upon receiving an exemption from the Commission; and (v) provides that certain energy efficiency pilot programs may be deemed to be in the public interest.

Patron - Sullivan

F HB1451 Electric utilities; mandatory renewable energy portfolio standard. Replaces the existing voluntary renewable energy portfolio standard (RPS) program with a mandatory renewable energy portfolio standard program that requires each electric utility to generate or purchase increasing percentages of electric power that is generated from renewable energy sources. The required percentages start at 14 percent of the total electric energy sold in 2021. Thereafter the required percentages increase in steps until 2050 and thereafter, in which years 100 percent of the total electric energy sold is required to be renewable energy. The measure also requires that the sources of renewable energy be derived from one of several tiers, with required percentages varying over time. A utility that fails to comply with an RPS standard established for a year is required to pay a deficiency payment. The moneys paid as deficiency payments will be distributed by the Department of Mines, Minerals and Energy to programs for low-income, disability, veteran, and age-qualifying energy efficiency programs and renewable energy programs, energy efficiency measures for public facilities, and administrative costs. The measure also requires the State Corporation Commission to implement an energy storage deployment target of 2,400 megawatts by 2035.

Patron - Sullivan

F HB1607 Offshore wind generation facilities. Requires the State Corporation Commission to allow Dominion Energy Virginia to recover all costs of certain utility-owned and utility-operated offshore wind generating facilities, including associated transmission and distribution facilities, and declares that these costs are reasonable and prudently incurred, if the utility (i) has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028, and (ii) demonstrates that it has utilized reasonable efforts to competitively solicit the majority of services and equipment associated with any such facility's construction, giving appropriate consideration to suppliers that have demonstrated successful experience on an offshore wind test or demonstration project off the Commonwealth's Atlantic shoreline. The measure provides that 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. The measure requires the utility to (a) identify options for utilizing local workers, (b) consult with the

Chief Workforce Development Officer, and (c) give priority to hiring local workers. This bill was incorporated into HB 1664.

Patron - Lindsey

[F] SB354 Electric utility regulation; energy efficiency standard. Requires Dominion Energy Virginia (DEV) and American Electric Power (AEP) to achieve incremental net annual savings in accordance with a schedule that starts in 2021, when savings are required to be at least 0.35 percent of the average annual energy retail sales by that utility in the three preceding calendar years, and increases the level of required savings until 2027 and thereafter, when savings are required to be at least two percent of the utility's average annual energy retail sales in the three preceding calendar years. The measure requires the utilities to retain an independent, qualified third-party evaluator to determine the utility's incremental net annual savings and other benefits of the program. The measure requires the State Corporation Commission, for any year that a utility meets the annual energy efficiency standard, to allow for the additional recovery of a margin on its program's operating expenses through a rate adjustment clause that provides the utility with a margin equal to the general rate of return on common equity. The Commission is directed to award an additional 20 basis points for each 0.1 percent of annual savings in excess of the required amount of savings, with a cap on total performance incentive awards in any year of 10 percent of the utility's total energy efficiency spending in that year. The measure also (i) increases the portion of the approved costs of certain utility energy efficiency programs that are required to be allocated to programs designed to benefit low-income, elderly, and disabled individuals from five percent to 15 percent of the approved costs of such programs and adds veterans to be benefited from such programs; (ii) requires the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to include the participation of certain Commission personnel who participate in approval and oversight of utility efficiency programs; (iii) directs the Commission to increase the utility's rates to recover for revenue reductions related to energy efficiency programs if the revenue reductions have caused the utility, during the test period or periods under review, to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for DEV and after December 31, 2013, for AEP, more than 70 basis points below a fair combined rate of return on its generation and distribution services; (iv) allows certain large general service customers to avoid participation in energy efficiency programs and to avoid paying for the costs of such programs through a rate adjustment clause upon receiving an exemption from the Commission; and (v) provides that certain energy efficiency pilot programs may be deemed to be in the public interest.

Patron - Bell

[F] SB376 Electric utilities; retail competition; renewable energy. Allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy.

Patron - Suetterlein

[F] SB379 Electric utilities; retail competition. Shortens from five years to three years the period that a customer

who switches from an investor-owned electric utility to a licensed competing supplier is barred from returning as a customer of the utility. The measure provides that if a single person purchases electric energy from a licensed supplier and such electric energy is composed of a percentage of renewable energy equal to or greater than the percentage of renewable energy that the licensed supplier is required to provide pursuant to any renewable energy portfolio standard, such person will constitute a single retail customer, notwithstanding that service is provided to noncontiguous sites. Under current law, for the purposes of purchasing energy from a licensed competing supplier, noncontiguous sites are considered individual retail customers and cannot be aggregated to meet the energy demand threshold regardless of common ownership or control. The measure provides that for cooperative customers the lock-out period remains five years and noncontiguous sites are still considered individual retail customers. The measure also allows individual retail customers of an 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 electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy. Finally, the measure directs the State Corporation Commission to update its consumer protection regulations relating to the availability of service through licensed suppliers.

Patron - McPike

[F] SB532 Third-party power purchase agreements. Exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a distributed generation facility. The measure provides that the sale of electricity generated at a distributed energy facility by a person that is not a public utility, public service corporation, or public service company to a customer that is purchasing or leasing the distributed energy facility under the terms of a third-party power purchase agreement does not constitute the retail sale of electricity. The measure proscribes State Corporation Commission regulation of the sale of electric energy that is generated on site by a distributed generation facility pursuant to a third-party power purchase agreement. The measure also repeals the pilot program initially enacted in 2013 that authorized Dominion Energy to enter into certain third-party power purchase agreements providing financing of certain renewable generation facilities.

Patron - Edwards

[F] SB613 Public utilities; third-party advertising prohibited. Requires the State Corporation Commission to include in its procedures for public utilities for services not found to be competitive that a public utility is prohibited from (i) sending by mail or electronically to its customers any third-party advertising or other promotional materials or (ii) authorizing a third party to use the public utility's name, logo, or trademarks in advertising or other promotional materials sent by mail or electronically to the public utility's customers.

Patron - Suetterlein

[F] SB784 Transmission lines; relocation and undergrounding. Requires that any transmission line of 230 kilovolts or less that is proposed to connect to a proposed new substation that has received local final development plan approval be placed underground if (i) such line would extend from an existing substation that will be powered by a transmission line of 230 kilovolts or less, (ii) such line received a certificate of public convenience and necessity from the Commission to be placed underground prior to December 31, 2018; (iii) the portion of such line between the existing substa-

tion and the proposed new substation is not more than 4,500 linear feet; and (iv) the total cost of undergrounding the proposed relocated transmission line does not exceed \$40 million. The bill requires that existing overhead transmission lines that meet such criteria be replaced and relocated with a new underground transmission line and that the location of the new underground transmission line be consistent with the comprehensive plan and the economic development priorities of the governing body of the locality in which the new underground transmission line is to be placed. The bill has an expiration date of December 31, 2021.

Patron - Saslaw

F SB876 Electric utility regulation; clean energy standard. Replaces the voluntary renewable energy portfolio standard program with a mandatory clean energy standard (CES) program that sets requirements for all investor-owned electric utilities and cooperative electric utilities. The CES program requires 30 percent of the total electric energy sold by each utility in 2030 to be clean energy, which is defined as electricity generated without emitting carbon dioxide or generated by a natural gas-fired facility with 80 percent carbon capture or a coal-fired facility with 90 percent carbon capture. The CES Goals increase incrementally in future years until 2050 and thereafter, by which time 100 percent of the electric energy sold is required to be clean energy. The measure requires a utility that fails to meet a CES Goal to pay a compliance payment. The measure also requires each electric utility (i) to include a clean energy plan in each of its integrated resource plans and (ii) by January 1, 2030, to decommission all of its coal-fired electric generation facilities.

Patron - Marsden

F SB912 Electric utilities; retail competition; renewable energy. Allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy.

Patron - Bell

F SB988 Electric utilities; electric school bus projects. Authorizes Dominion Energy Virginia to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak shaving resources. Under an electric school bus project, Dominion Energy Virginia may (i) purchase, own, manage, or control electric school buses, along with associated charging or other infrastructure; (ii) enter into third-party agreements for the purchase, lease, or use of electric school buses, along with associated charging or other infrastructure; (iii) enter into agreements with any school board of any public school division located in the Commonwealth for joint ownership of or for leasing on commercially competitive terms of electric school buses, along with associated charging or other infrastructure; (iv) provide financial incentives or rebates to any school board to promote or facilitate the purchase and ownership by such public school board of electric school buses, along with associated charging or other infrastructure; and (v) engage in other activities to promote the development and proliferation of electric school bus transportation in the Commonwealth. The bill also provides a tax exemption for electric school buses and associated charging

and other infrastructure that is related or incidental to an authorized electric school bus project.

Patron - Lucas

F SB1096 Electric utilities; electric school bus projects. Authorizes Dominion Energy Virginia to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak shaving resources. Under an electric school bus project, Dominion Energy Virginia may (i) purchase, own, manage, or control electric school buses, along with associated charging or other infrastructure; (ii) enter into third-party agreements for the purchase, lease, or use of electric school buses, along with associated charging or other infrastructure; (iii) enter into agreements with any school board of any public school division located in the Commonwealth for joint ownership of or for leasing on commercially competitive terms of electric school buses, along with associated charging or other infrastructure; (iv) provide financial incentives or rebates to any school board to promote or facilitate the purchase and ownership by such public school board of electric school buses, along with associated charging or other infrastructure; and (v) engage in other activities to promote the development and proliferation of electric school bus transportation in the Commonwealth. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

Patron - Lucas

Carried Over

C HB523 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 bill 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 bill (i) requires the SCC, by October 1, 2020, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2021, 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 - Subramanyam

HB1067 Electric utilities; net energy metering. Declares that an electrical generating facility located on real property owned by the customer that is at a location that is separated by a right-of-way or other easement from the location on the customer's real property where the electrical generation facility is connected to the customer's meter or where the customer consumes the electricity generated from the electrical generating facility shall be deemed to be located on the customer's premises. Currently, in order to be eligible to participate in a net energy metering program, a customer's electrical generating facility is required to be located on the customer's premises and be connected to the customer's wiring on the customer's side of its interconnection with the distributor. The bill states that its provisions are declarative of existing law.

Patron - Kory

HB1677 Electric utility regulation; retail customer choice. Replaces the Virginia Electric Utility Regulation Act with a system under which retail customers will be able to purchase electricity from the retail electric provider of their choice. The measure requires each incumbent investor-owned utility, electric cooperative, and municipal electric authority by January 10, 2021, to file with the State Corporation Commission a plan by which it will separate its customer energy services business activities that are otherwise also already widely available in the competitive market from its regulated utility activities by September 1, 2021, and to separate its business activities into an electric distribution utility, an electric transmission utility, a power generation company, and a retail electric provider, or into a single electric transmission and distribution utility, by January 1, 2022. Such separation may be accomplished by creating separate investor-owned companies, cooperatives, or municipal electric authorities or through the sale of assets to a third party. The measure provides consumer safeguards, including requirements that a retail customer have the right to choose a retail electric provider and to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources. When customer choice commences, a retail electric provider that is serving a retail customer on December 31, 2021, may continue to serve that customer until the customer chooses service from a different retail electric provider. If the Commission determines that a region served by an incumbent electric utility is unable to offer fair competition and reliable service to all retail customer classes on January 1, 2022, the measure requires the Commission to delay customer choice for the region. The Commission may use pilot projects to evaluate the ability of each region served by an incumbent electric utility to implement customer choice. After January 1, 2022, an incumbent electric utility may not sell electricity or otherwise participate in the market for electricity except for the purpose of buying electricity to serve its own needs or while competition for the region served by the utility is delayed. The measure requires the Commission to designate, through a bid process or other method, retail electric providers to serve as providers of last resort, which will be required to offer a customer retail service at a rate approved by the Commission. Metering services will be provided by an area's incumbent electric utility or the electric distribution utility separated from the incumbent electric utility. Each electric distribution utility is required to bill a customer's retail electric provider for non-bypassable delivery charges equal to the sum of electric utility charges by customer class based on a forecasted 2022 test year and the generic customer classes and generic rate design established by the Commission and a system benefit fund fee. The system benefit fund fee will be allo-

cated to retail electric customers on the basis of the amount of kilowatt hours used and will be set by the Commission in an amount to cover the costs of customer education programs, a percentage of income payment plan, weatherization programs, and energy efficiency programs. The measure requires electric distribution utilities to deploy advanced metering and meter information networks for all of their residential customers and nonresidential customers within three years after the start date of customer choice, the costs of which shall be recovered by a non-bypassable surcharge. The measure authorizes the Commission to mitigate market power abuses associated with the transmission, distribution, and sale of electricity. The measure requires the Commission to establish by March 1, 2021, an independent distribution system operator (IDSO) that will operate and plan the distribution systems of all electric distribution utilities and perform other duties, including ensuring open access to the distribution systems for all buyers and sellers of electricity on nondiscriminatory terms. The IDSO's costs will be recovered through a reasonable and competitively neutral rate or fee that is within a range determined by the Commission. Distribution utilities are required to transfer the management and control of their distribution system assets to the IDSO and to observe the IDSO's policies, rules, guidelines, and procedures. By January 1, 2021, each electric utility is required to file proposed tariffs for its open-access distribution service, and the Commission is required to set tariffs for electric utility services and the system benefit fund fee for each utility by January 1, 2022. The rates are required to afford the utility a reasonable opportunity to recover its reasonable costs and a reasonable rate of return, fairly allocate the utility's costs among customers, and provide an appropriate price signal to customers with respect to renewable energy. The measure requires incumbent retail electric providers to make available from January 1, 2022, until January 1, 2027, "price to beat rates" to residential and small commercial retail electric customers in its former service area that are six percent less than the incumbent electric utility's corresponding average rates that were in effect on January 1, 2019, adjusted to reflect the wholesale power cost basis. Incumbent retail electric providers are prohibited from charging these customers rates that are different from the price to beat until the earlier of 36 months after the date customer choice is introduced or the date that at least 40 percent of the electric power consumed in the utility's service area before customer choice is committed to be served by independent retail electric providers. The measure requires that retail electric providers be certified by the Commission and that aggregators register with the Commission. The measure establishes a Percentage of Income Payment Plan (PIPP) providing financial assistance for residential customers whose household income is at or below 150 percent of the federal nonfarm poverty level. Under the PIPP, the level of payment responsibility to be borne by an eligible customer is based on a percentage of the customer's income. Participants in the PIPP will receive a monthly credit for the amount by which the participant's actual monthly bill for electric service or the state-wide average monthly bill amount for that month, whichever is less, exceeds 10 percent of the participant's monthly household income if the participant's residence's primary source of space heating is electricity or six percent of the participant's monthly household income if the participant's residence's primary source of space heating is natural gas or propane. The Commission is also required to establish and implement a home weatherization program. The measure requires the IDSO to identify the achievable cost-effective energy efficiency potential for each electric distribution utility service area in the Commonwealth and, if it determines that an electric distribution utility service area has achievable cost-effective energy efficiency potential, to issue a solicitation for bids from persons to develop and implement energy efficiency programs that achieve this potential. The measure authorizes any distributed

electricity generation owner to connect distributed electricity generation to an electric distribution utility system and authorizes a retail electric provider to contract with a distributed electricity generation owner to provide that surplus electricity produced by distributed electricity generation is made available for sale to the retail electric provider and that the net value of that surplus electricity valued at the energy price at the location of the distributed electricity generator is credited to the distributed electricity generation owner. The measure provides that electric authorities and municipalities that provide electric transmission or distribution service are subject to the jurisdiction of the Commission. The measure recasts the Commission on Electric Utility Regulation as the Commission on Energy Reform and extends its sunset until July 1, 2022. The measure eliminates the requirement that the Commission find that a utility's proposed construction of a new generation facility of 100 megawatts or more is necessary to enable the utility to furnish reasonably adequate service and facilities at reasonable and just rates. The measure retains net energy metering programs with provisions that revise the compensation structure for the energy produced by distributed customer-generators to implement time-based and location-based market prices. The measure provides that a person that sells electric energy generated from an onsite distributed electric generation facility to a customer pursuant to a third-party power purchase agreement or distributed electric generation lease agreement is not a public service corporation. The measure repeals the provisions establishing requirements for the filing of integrated resources plans by electric utilities.

Patron - Keam

C **HB1697 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 - Byron

C **SB842 Electric energy; customer choice.** Provides that all retail customers of electric energy within the Commonwealth will be permitted to purchase electricity from any supplier licensed to sell retail electric energy within the Commonwealth by January 1, 2023. The bill requires, by January 1, 2022, the State Corporation Commission to promulgate all regulations it deems necessary to ensure the orderly transition to a competitive market for electric energy in the Commonwealth.

The bill provides that such regulations (i) provide for the customer choice for electricity for all customer classes, thereby deregulating the retail sale and pricing of the generation component of electricity service; (ii) require the divestiture of generation assets or the functional separation of the generation and transmission and distribution businesses of each incumbent electric utility operating in the Commonwealth; (iii) provide all retail customers with guaranteed access to fairly priced electric generation service from a provider of last resort; (iv) provide benefits to all rate classes; (v) include adequate consumer protections, marketing standards, and complaint procedures; and

(vi) ensure reliability and compliance with federal and state environmental laws and regulations.

The bill provides that incumbent electric utilities will continue to provide distribution services within their exclusive service territories and the Commission will continue to regulate the distribution of retail electric energy to retail customers and, to the extent permitted under federal law, the transmission of electric energy. Additionally, the bill requires that the Commission promulgate regulations requiring all suppliers of electric energy, including providers of last resort, to obtain at least 25 percent of their retail energy sales in the Commonwealth from renewable energy by January 1, 2025; 50 percent of their retail energy sales in the Commonwealth from renewable energy by January 1, 2030; and 100 percent of their retail energy sales in the Commonwealth from renewable energy by January 1, 2050.

Patron - Petersen

Religious and Charitable Matters; Cemeteries

Passed

P **SB445 Cemeteries; acquisition of abandoned lots in cities and certain towns.** Removes references to courts of equity, improves readability, and makes technical changes. The bill also removes population brackets and replaces them with the names of specific counties.

Patron - Edwards

State Corporation Commission

Failed

F **HB1155 Business entity fees for new entities.** Reduces by 50 percent the amount of any registration fee, filing fee, charter fee, entrance fee, or annual registration fee required under Title 13.1 (Corporations) or Title 50 (Partnerships) to be assessed, charged, or collected by the clerk of the State Corporation Commission if the fee pertains to the filing of a document or instrument by or on behalf of a domestic corporation, limited liability company, business trust, partnership, or limited partnership that is formed on or after January 1, 2021, and is in existence for a period not exceeding 24 months. The measure has a delayed effective date of January 1, 2021, and directs the Commission to adopt implementing regulations by that date.

Patron - Wampler

Carried Over

C **HB1297 State Corporation Commission; members.** Increases from three to five the number of members of the State Corporation Commission. The measure requires that the new members be initially elected for a six-year term during the earlier of the 2021 Regular Session of the General Assembly or any special session convened prior thereto.

Patron - Helmer

Taxation

Passed

P HB4 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish 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 establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which the City of Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligible host city is approved, provided that the total number of additional machines does not exceed 2,000 statewide, and includes other provisions relating to the placement of historical horse racing terminals in the Commonwealth. The bill incorporates HB 374, HB 428, HB 560, HB 1343, and HB 1661 and is identical to SB 36. This bill received Governor's recommendations.

Patron - Knight

P HB62 Transient occupancy tax; Arlington County. Removes the July 1, 2021, sunset date from Arlington County's authority to impose a transient occupancy tax at a rate not to exceed 0.25 percent to be used for the purpose of promoting tourism and business travel in the county. Under current law, in addition to this tax, Arlington County is authorized to impose a transient occupancy tax at a rate not to exceed five percent. This bill is identical to SB 107.

Patron - Hope

P HB129 Maximum allowable rates of special regulatory taxes; public service companies. Increases the maximum allowable rates of several taxes, known as special regulatory taxes, that apply to public service companies such as those that provide water, heat, light, or power. The bill increases the maximum allowable rate of the gross receipts tax from 0.2 percent to 0.26 percent, increases the maximum allowable rates of three electricity consumption taxes that are measured per kilowatt hour, and increases the maximum allowable rate of the natural gas consumption tax from \$0.0020 per cubic foot to \$0.0026 per cubic foot.

Patron - Sickles

P HB200 Additional sales and use tax in Mecklenburg County; appropriations to incorporated towns for educational purposes. Authorizes Mecklenburg 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 the locality enacting the tax.

The bill removes the limit on the amount that Mecklenburg 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.

Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. This bill is identical to SB 943.

Patron - Wright

P HB307 Income tax subtraction; crime stopper rewards. Increases from \$1,000 to \$5,000, beginning in taxable year 2020, the maximum amount that may be subtracted from taxable income for amounts received as a reward for providing information to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, that is used in the apprehension and conviction of perpetrators of crimes. This bill is identical to SB 931.

Patron - Cox

P HB316 Refunds of local taxes; authority of treasurer. Increases from \$2,500 to \$5,000 the maximum amount at which the governing body of a locality may authorize its treasurer to approve and issue a refund of taxes paid as a result of an erroneous tax assessment. This bill incorporates HB 773.

Patron - Gooditis

P HB341 Department of Taxation sharing information with the Department of Social Services. Authorizes the Department of Taxation to share tax information related to the federal earned income tax credit and the Virginia income tax credit for low-income taxpayers with the Department of Social Services as necessary to administer outreach and enrollment related to such credits.

Patron - Roem

P HB342 Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales up to \$2,500. Exempts from meals tax, which may be imposed by any city or town, and food and beverage tax, which may be imposed by any county, sales by sellers at local farmers markets and roadside stands when such sellers' annual income from such sales does not exceed \$2,500. The bill defines such sellers' annual income as income from sales at all local farmer's markets and roadside stands, not just those sales occurring in the locality imposing the tax.

Patron - Bell

P HB408 Green job creation tax credit; sunset. Extends the sunset date of the green job creation tax credit

from January 1, 2021, to January 1, 2025. The bill contains technical amendments.

Patron - Delaney

P HB466 Business license waivers. Allows localities with a population greater than 50,000 to waive license requirements for businesses with gross receipts of \$200,000 or less. Current law limits such waiver to businesses with gross receipts of less than \$100,000.

Patron - Keam

P HB486 Additional sales and use tax in Henry County, Northampton County, Patrick County, Pittsylvania County and the City of Danville; appropriations of Henry County, Northampton County, Patrick County, and Pittsylvania County to incorporated towns for educational purposes. Authorizes Henry County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville 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 the locality enacting the tax.

The bill removes the limit on the amount that Henry County, Northampton County, Patrick County, and Pittsylvania 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.

Under current law, only Halifax County has the authority to impose such taxes and make such appropriations.

Patron - Marshall

P HB502 Litter tax; penalty. Adds \$100 to the existing penalty for litter tax delinquency.

Patron - Krizek

P HB534 Local disposable plastic bag tax. Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. This bill is identical to SB 11.

Patron - Carr

P HB535 Real estate with delinquent taxes or liens; sales by nonprofit organizations. Provides that a nonprofit organization that acquires real estate with delinquent taxes or liens pursuant to the appointment of a special commissioner may sell to eligible purchasers either (i) both the land and structural improvements on a property or (ii) only the structural improvements of a property, without the land. The bill provides that a sale of only the structural improvements is permissible only if (a) the improvements are subject to a long-term ground lease with a community land trust and (b) the community land trust retains a preemptive option to purchase such improvements at a price determined by a formula that ensures that the

improvements remain affordable in perpetuity to low-income and moderate-income families.

Patron - Carr

P HB537 Real estate tax exemption for property in redevelopment or conservation areas or rehabilitation districts. Increases the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years. This bill is identical to SB 727.

Patron - Carr

P HB590 Tax credit for participating landlords; eligible housing areas. Expands the definition of "eligible housing area" for the housing choice voucher tax credit to include Virginia census tracts in the Washington-Arlington-Alexandria Metropolitan Statistical Area in which less than 10 percent of the population lives below the poverty level. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to such areas within the Richmond and Virginia Beach-Norfolk-Newport News Metropolitan Statistical Areas.

The bill establishes a 2025 sunset date on the credit. The bill incorporates HB 1014 and is identical to SB 200.

Patron - Guzman

P HB724 Tangible personal property tax; classes of property; satellites. Extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029. This bill is identical to SB 273.

Patron - Reid

P HB730 Reporting of payments by third-party settlement organizations. Requires third-party settlement organizations (TPSOs) to report to the Tax Department the gross amount of payments made to any participating payee, a person who receives payment from a TPSO. Generally speaking, a TPSO is a company that provides a platform for buyers and sellers to transact goods or services and settles transactions between those parties. Examples of TPSOs would be marketplace facilitators and "gig economy" platforms. Under federal law, payments by TPSOs to participating payees need not be reported unless they exceed \$20,000 and there are more than 200 transactions between the TPSO and the participating payee. The bill instead requires use of the standard 1099 reporting threshold of \$600 for non-TPSO income as the level at which TPSO income must be reported to the Tax Department. The requirements of the bill apply only to payments to participating payees with a Virginia address. This bill is identical to SB 211.

Patron - Watts

P HB748 Research and development tax credits; sunset; aggregate caps. Extends the sunset date for both the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2025. Beginning with taxable year 2021, the bill increases the aggregate cap of the research and development expenses tax credit from \$7 million to \$7.77 million and increases the aggregate cap of the major research and development expenses tax credit from \$20 million to \$24 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1. This bill is identical to SB 110.

Patron - Jones

P HB755 Real property taxes; blighted and derelict properties in certain localities. Provides that, in certain local-

ities, blighted properties and derelict structures shall constitute a separate class of property for local taxation of real property. Such certain localities may, by ordinance, levy a tax on blighted properties and derelict structures at a rate that exceeds the general real property tax rate by five and 10 percent, respectively. Any tax levied pursuant to such an ordinance shall be imposed upon a determination by the real estate assessor that a property constitutes a blighted property or derelict structure. The bill also provides that, in such certain localities, delinquent tax lands may be sold six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill contains technical amendments. This bill received Governor's recommendations.

Patron - Aird

P HB785 Local tax authority. Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent. This bill is identical to SB 588. This bill received Governor's recommendations.

Patron - Watts

P HB839 Taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting. Establishes an exemption from probate tax for a person killed or injured in the 2019 Virginia Beach mass shooting. The bill provides that if, prior to its enactment, a person eligible for a tax exemption pursuant to the bill paid tax to the Commonwealth or a locality for a will or grant of administration of a victim's estate, either the Commonwealth or the locality, as applicable, shall refund the tax. The bill contains an emergency clause and is identical to SB 93.

Patron - Convors-Fowler

P HB888 Sales tax exemption; gun safes. Establishes an exemption from retail sales tax for a gun safe with a selling price of \$1,500 or less. The bill defines "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, "gun safe" does not include a glass-faced cabinet. This bill is identical to SB 268.

Patron - Filler-Corn

P HB896 Sports betting; Problem Gambling Treatment and Support Fund; penalties. Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits

the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights. Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of \$250,000. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of \$200,000. The Director of the Virginia Lottery may issue from four to 12 permits at one time and is directed to issue a number of permits that will maximize tax revenue collected pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to applicants that are (i) certain major league sports franchises and (ii) certain casino operators. The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event. The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity. The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun. The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund. This bill is identical to SB 384. This bill received Governor's recommendations.

Patron - Sickles

P HB906 Entitlement to sales tax revenues from certain public facilities; authorized localities and facilities; sunset. Adds the City of Chesapeake to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. The bill adds outdoor amphitheater to the list of authorized public facilities, provided that a locality owns, wholly or partly, and contributes to the construction of such amphitheater, and extends until July 1, 2024, the period of time during which authorized localities may issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expires on July 1, 2020. This bill is identical to SB 163.

Patron - Hayes

P HB1021 Personal property tax; forest harvesting machinery and equipment. Provides that a locality may exempt from tangible personal property taxes certain farm machinery and farm implements, which shall include equipment and machinery used for forest harvesting and silvicultural activities.

Patron - Adams, L.R.

P HB1154 Litter taxes; amount of tax. Increases the annual litter tax from \$10 to \$20 and the additional annual litter tax from \$15 to \$30. Both taxes are imposed on manufacturers, wholesalers, distributors, and retailers of certain products; however, the additional tax applies to fewer businesses.

Patron - Lopez

P HB1173 Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. This bill is identical to SB 685.

Patron - Lopez

P HB1262 Transient occupancy tax; certain counties. Adds Appomattox, Mathews, Middlesex, and New Kent Counties 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

P HB1318 Motion picture production tax credit; media related exemptions. Extends from January 1, 2022, to January 1, 2027, the sunset of the motion picture production tax credit and transfers the certifying authority for the credit from the Virginia Film Office to the Virginia Tourism Authority. The bill also extends from July 1, 2022, to July 1, 2027, the sunset for certain sales tax exemptions related to film production and distribution. This bill is identical to SB 923.

Patron - Aird

P HB1327 Property taxes; generating equipment of electric suppliers utilizing wind turbines. Provides that the rate for a locality that imposes property taxes on generating equipment of electric suppliers utilizing wind turbines that have filed a certain form with an electric utility or regional transmission organization by July 1, 2020, shall not exceed the locality's real estate tax rate by more than \$0.20 per \$100 of assessed value. For all other projects, and under current law, the tax may exceed the real estate rate but cannot exceed the general personal property tax rate in the locality.

Patron - Austin

P HB1383 Virginia Lottery; Internet sales. Repeals the prohibition on selling lottery tickets over the Internet.

Patron - Bulova

P HB1407 Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless it is demonstrated that such individual is an independent contractor. The Department of Taxation shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines. Violators are subject to

civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.

Patron - Ward

P HB1413 Conformity to Internal Revenue Code. Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deconforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill is identical to SB 582.

Patron - Watts

P HB1417 Income tax; reporting requirements for partnerships. Alters the process by which partnerships report federal tax adjustments to the Department of Taxation. The federal Bipartisan Budget Act of 2015, P.L. 114-74, generally shifted the burden of reporting adjustments from a partnership's investors and owners to the partnership itself. The bill would allow a partnership to report to its owners and investors any information required under Virginia law or to report such information on behalf of its owners and investors. The bill establishes processes and deadlines by which partnerships are required to report such information, and pay any associated taxes, to the Department.

Patron - Watts

P HB1434 Local tax exemption; solar energy equipment. Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill provides that if a locality assesses a revenue share on a project, the step down scale shall not apply. The bill extends the sunset date after which new projects may not qualify for the exemption from January 1, 2024, to July 1, 2030. The bill is identical to SB 763.

Patron - Jones

P HB1509 Virginia Food Access Investment Program and Fund. Creates the Virginia Food Access 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

P HB1534 Collection of town taxes by county. Authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law. This bill is identical to SB 649.

Patron - Samirah

P HB1575 Merchants' capital tax; separate classification; retailers. Provides that the merchants' capital of any

retailer reported as inventory that is located in a structure that contains at least 200,000 square feet, with at least 200,000 square feet used solely to store such inventory, shall, along with certain wholesalers, be considered a separate classification and may be taxed at a lower rate than other classifications of merchants' capital. Under current law, only merchants' capital of wholesalers meeting a similar threshold of 100,000 square feet constitutes a separate class of property.

Patron - Cole, M.L.

P HB1580 Deeds not taxable; deeds involving only spouses. Replaces the term "husband and wife" with "spouses" for purposes of the recordation tax exemption for certain deeds.

Patron - Sullivan

P HB1581 Tax delinquent real property; correction of tax records. Transfers from the local clerk of court to the local treasurer the duties of maintaining records of delinquent real property taxes and sales of such property and of correcting records relating to such property.

Patron - Heretick

P HB1582 Delinquent tax lands; threshold for non-judicial sale. Raises the assessment threshold at which a local treasurer or other officer responsible for collecting taxes has general authority to sell real property with over three years of delinquent taxes from less than \$5,000 to no more than \$10,000 and extends such authority to improved as well as unimproved parcels of real property. The bill raises the assessment range at which such officer may sell parcels of real property with over three years of delinquent taxes and that meet certain criteria from at least \$5,000 but less than \$20,000 to more than \$10,000 but no more than \$25,000. The bill increases the size of unimproved parcels that may be sold from less than 4,000 square feet to one acre or less.

Patron - Heretick

P HB1615 Recordation tax; deeds of trust or mortgages. Provides that for a deed of trust or mortgage (i) that conveys property that is either (a) partly within and partly outside the Commonwealth or (b) is within the Commonwealth and secures debts secured by deeds of trust on property outside the Commonwealth and (ii) secures the entire amount of that debt, recordation tax shall only be imposed on the proportion of debt that the Virginia property bears to the actual value of the entire amount of property conveyed.

Patron - Sullivan

P HB1623 Fee for open-space preservation. Increases from \$1 to \$3 the fee for open-space preservation charged for every deed, deed of trust, contract, or other instrument admitted to record in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The bill also clarifies that the fee applies to any "deed, deed of trust, contract, or other instrument" admitted to record, replacing the term "deed."

Patron - Plum

P HB1631 Additional sales and use tax in Charlotte County; appropriations to incorporated towns for educational purposes. Authorizes Charlotte 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 con-

struction or major renovation of schools in the locality enacting the tax.

The bill removes the limit on the amount that Charlotte 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.

Under current law, only Halifax County has the authority to impose such taxes and make such appropriations.

Patron - Edmunds

P HB1679 Business licenses; acceptable identification. Provides that for any application for a business license issued by a locality under its business, professional, and occupational license taxing authority, the locality shall not require an applicant to provide a social security number if the applicant provides his federal employer identification number instead. Further, if a valid federal employer identification number is provided, the locality shall not be required to determine the residency status of the applicant.

Patron - Davis

P SB11 Local disposable plastic bag tax. Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. This bill incorporates SB 26 and SB 198 and is identical to HB 534.

Patron - Ebbin

P SB36 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish 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 establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which the City of Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligi-

ble host city is approved, provided that the total number of additional machines does not exceed 2,000 statewide, and includes other provisions relating to the placement of historical horse racing terminals in the Commonwealth. The bill incorporates SB 102, SB 374, SB 609, SB 743, and SB 1083 and is identical to HB 4. This bill received Governor's recommendations.

Patron - Lucas

P SB93 Taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting. Establishes an exemption from probate tax for a person killed or injured in the 2019 Virginia Beach mass shooting. The bill provides that if, prior to its enactment, a person eligible for a tax exemption pursuant to the bill paid tax to the Commonwealth or a locality for a will or grant of administration of a victim's estate, either the Commonwealth or the locality, as applicable, shall refund the tax. The bill contains an emergency clause and is identical to HB 839.

Patron - DeSteph

P SB107 Transient occupancy tax; Arlington County. Removes the July 1, 2021, sunset date from Arlington County's authority to impose a transient occupancy tax at a rate not to exceed 0.25 percent to be used for the purpose of promoting tourism and business travel in the county. Under current law, in addition to this tax, Arlington County is authorized to impose a transient occupancy tax at a rate not to exceed five percent. This bill is identical to HB 62.

Patron - Howell

P SB110 Research and development tax credits; sunset; aggregate caps. Extends the sunset date for both the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2025. Beginning with taxable year 2021, the bill increases the aggregate cap of the research and development expenses tax credit from \$7 million to \$7.77 million and increases the aggregate cap of the major research and development expenses tax credit from \$20 million to \$24 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1. This bill is identical to HB 748.

Patron - Howell

P SB163 Entitlement to sales tax revenues from certain public facilities; authorized localities and facilities; sunset. Adds the City of Chesapeake to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. The bill adds outdoor amphitheater to the list of authorized public facilities, provided that a locality owns, wholly or partly, and contributes to the construction of such amphitheater, and extends until July 1, 2024, the period of time during which authorized localities may issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expires on July 1, 2020. This bill is identical to HB 906.

Patron - Spruill

P SB200 Income tax credits for housing choice vouchers; eligible housing areas. Expands the definition of "eligible housing area" for purposes of the housing choice voucher tax credit to include the Washington-Arlington-Alexandria Metropolitan Statistical Area. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to certain areas within the Richmond Metropolitan Statistical Area and the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area.

The bill provides that the credit would sunset in 2025. Under current law, there is no sunset. This bill is identical to HB 590.

Patron - Barker

P SB211 Reporting of payments by third-party settlement organizations. Requires third-party settlement organizations (TPSOs) to report to the Tax Department the gross amount of payments made to any participating payee, a person who receives payment from a TPSO. Generally speaking, a TPSO is a company that provides a platform for buyers and sellers to transact goods or services and settles transactions between those parties. Examples of TPSOs would be marketplace facilitators and "gig economy" platforms. Under federal law, payments by TPSOs to participating payees need not be reported unless they exceed \$20,000 and there are more than 200 transactions between the TPSO and the participating payee. The bill instead requires use of the standard 1099 reporting threshold of \$600 for non-TPSO income as the level at which TPSO income must be reported to the Tax Department. The requirements of the bill apply only to payments to participating payees with a Virginia address. This bill is identical to HB 730.

Patron - Howell

P SB224 Additional sales and use tax in Gloucester County; appropriations to incorporated towns for educational purposes. Authorizes Gloucester 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 the locality enacting the tax.

The bill removes the limit on the amount that Gloucester 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.

Under current law, only Halifax County has the authority to impose such taxes and make such appropriations.

Patron - Norment

P SB230 Grantor's tax and regional transportation improvement fee. Provides that, for purposes of the grantor's tax and regional transportation improvement fee (the regional WMATA capital fee), the grantor and grantee may arrange that the grantee pay all or a portion of the tax or fee. Current law requires the grantor to pay the tax or fee.

Patron - Petersen

P SB255 Additional transient occupancy tax in Prince George County. Authorizes Prince George County to impose an additional transient occupancy tax at a rate of up to two percent, for a total maximum rate of seven percent. The revenue from the additional tax shall be used solely for tourism purposes.

Patron - Ruff

P SB268 Sales tax exemption; gun safes. Establishes an exemption from retail sales tax for a gun safe with a selling price of \$1,500 or less. The bill defines "gun safe" as a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric lock-

ing mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. Under the bill, "gun safe" does not include a glass-faced cabinet. This bill is identical to HB 888.

Patron - Bell

P SB273 Tangible personal property tax; classes of property; satellites. Extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029. This bill is identical to HB 724.

Patron - Bell

P SB277 Income tax deduction for commuter benefits provided by an employer. Establishes, for taxable years 2021 through 2025, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee.

Patron - Barker

P SB384 Sports betting; Problem Gambling Treatment and Support Fund; penalties. Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights. Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of \$250,000. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of \$200,000. The Director of the Virginia Lottery may issue from four to 12 permits at one time and is directed to issue a number of permits that will maximize tax revenue collected pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to applicants that are (i) certain major league sports franchises and (ii) certain casino operators. The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event. The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity. The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun. The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund. This bill is identical to HB 896. This bill received Governor's recommendations.

Patron - McPike

P SB582 Conformity to Internal Revenue Code. Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deconforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill is identical to HB 1413.

Patron - Howell

P SB588 Local tax authority. Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent. This bill incorporates SB 484, SB 682, SB 799, and SB 921 and is identical to HB 785. This bill received Governor's recommendations.

Patron - Hanger

P SB590 Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax. Postpones from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials. Starting in taxable year 2020, the bill makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill.

The bill provides that certain machinery, tools, and materials used in advanced recycling shall be exempt from sales tax. Starting in taxable year 2021, the bill provides that such machinery, tools, and materials shall be segregated and classified as machinery and tools, which are taxed at a lower rate than the generally applicable personal property tax rate. This bill incorporates SB 789.

Patron - Hanger

P SB649 Collection of town taxes by county. Authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law. This bill is identical to HB 1534.

Patron - Boysko

P SB685 Tax exemption for certified pollution control equipment and facilities; timing of certification by the

state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. This bill is identical to HB 1173.

Patron - Mason

SB725 Classification of land and improvements for tax purposes; City of Richmond. Authorizes the City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land upon which the improvements are located, provided that the tax rate is not zero and does not exceed the tax rate imposed on the land. Under current law, the Cities of Fairfax, Roanoke, and Poquoson have the authority to tax improvements and land at different rates.

Patron - McClellan

SB727 Real estate tax exemption for property in redevelopment or conservation areas or rehabilitation districts. Increases the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years. This bill is identical to HB 537.

Patron - McClellan

SB744 Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.

Patron - McPike

SB745 Income tax exclusion; student loan forgiveness; disabled veterans. Excludes from Virginia adjusted gross income any income received by a totally and permanently disabled veteran from student loan debt cancellation or discharge for taxable years 2020 through 2025.

Patron - Bell

SB763 Local tax exemption; solar energy equipment. Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill provides that if a locality assesses a revenue share on a project, the step down scale shall not apply. The bill extends the sunset date after which new projects may not qualify for the exemption

from January 1, 2024, to July 1, 2030, and is identical to HB 1434.

Patron - Barker

SB922 Virginia Lottery; Internet sales. Repeals the prohibition on selling lottery tickets over the Internet. This bill incorporates SB 959.

Patron - Norment

SB923 Motion picture production tax credit; media related exemptions. Extends from January 1, 2022, to January 1, 2027, the sunset of the motion picture production tax credit and transfers the certifying authority for the credit from the Virginia Film Office to the Virginia Tourism Authority. The bill also extends from July 1, 2022, to July 1, 2027, the sunset for certain sales tax exemptions related to film production and distribution. This bill is identical to HB 1318.

Patron - Lucas

SB931 Income tax subtraction; crime stopper rewards. Increases from \$1,000 to \$5,000, beginning in taxable year 2020, the maximum amount that may be subtracted from taxable income for amounts received as a reward for providing information to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, that is used in the apprehension and conviction of perpetrators of crimes. This bill is identical to HB 307.

Patron - Morrissey

SB943 Additional sales and use tax in Mecklenburg County; appropriations to incorporated towns for educational purposes. Authorizes Mecklenburg 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 the locality enacting the tax.

The bill removes the limit on the amount that Mecklenburg 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.

Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. This bill is identical to HB 200.

Patron - Ruff

SB1028 Additional sales and use tax in Northampton County; appropriations to incorporated towns for educational purposes. Authorizes Northampton 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 the locality enacting the tax.

The bill removes the limit on the amount that Northampton 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.

Under current law, only Halifax County has the authority to impose such tax and make such appropriations. The bill contains technical amendments.

Patron - Lewis

[P] SB1039 Classification of solar energy and recycling equipment. Provides that, for purposes of the real property tax exemption for certified solar energy and recycling equipment, the exemption shall be retroactive to the date of installation if the taxpayer obtains certification from the Department of Environmental Quality within one year of installation. Under current law, the exemption is effective in the next tax year after the taxpayer obtains certification.

Patron - Vogel

Failed

[F] HB48 Income tax; rolling conformity with the federal Internal Revenue Code. Provides that Virginia conform with federal tax laws on a rolling basis, which means that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. Under current law, Virginia conforms to federal tax laws as of December 31, 2018.

Patron - McNamara

[F] HB53 Taxes on income, wills, and administrations; exemption for victims of the Virginia Beach mass shooting and for payments to such victims. Establishes an income tax exemption for relief payments paid to a victim of the Virginia Beach mass shooting or a parent, guardian, child, or spouse of a victim. The bill also establishes an exemption from probate tax for a person killed or injured in the shooting. The bill provides that if, prior to its enactment, a person eligible for a tax exemption pursuant to the bill paid tax to the Commonwealth or a locality for a will or grant of administration of a victim's estate, either the Commonwealth or the locality shall refund the tax.

The bill establishes a deduction for a taxpayer's relief payment, whether directly or indirectly, to a victim of the Virginia Beach mass shooting, provided the taxpayer coordinates with the City of Virginia Beach to identify victims and distribute payments.

Patron - Knight

[F] HB54 Income tax; age deduction; increase income threshold for married filers. Increases to \$100,000 the threshold at which the income tax deduction for taxpayers 65 or older is reduced based on income, as such threshold applies to married taxpayers filing jointly or separately. Under current law, the threshold for married taxpayers is \$75,000 and the threshold for individual taxpayers is \$50,000.

Patron - Wright

[F] HB80 Personal income tax deduction; veterans with a 100 percent service-connected, permanent, and total disability. Provides an additional personal income tax deduction of \$930 for veterans who have been rated with a 100 percent service-connected, permanent, and total disability. This deduction is allowed regardless of whether the taxpayer item-

izes deductions for the taxable year for federal income tax purposes.

Patron - Cole, M.L.

[F] HB89 Standard deduction from Virginia taxable income; increasing. Increases the standard deduction for taxable years beginning on and after January 1, 2020, but before January 1, 2026, by 1.8 percent to \$4,581 for single individuals and \$9,162 for married persons (one-half of such amounts in the case of a married individual filing a separate return).

Patron - McNamara

[F] HB125 Income tax; subtraction for low-income military veterans with a permanent service-connected disability. Provides an income tax subtraction for the military retirement income received by a veteran who has been rated with a 100 percent service-connected, permanent, and total disability. The bill provides that the subtraction is available only to those taxpayers whose federal adjusted gross income is no greater than 150 percent of the federal poverty level for a four-person household. This bill was incorporated into HB 1619.

Patron - Miyares

[F] HB126 Tax credit for purchase of aquaculture oyster floats. Establishes an individual nonrefundable income tax credit for taxable years beginning on or after January 1, 2020, but before January 1, 2025, for the purchase price of aquaculture oyster floats purchased during the taxable year. The amount of credit allowed under this section shall not exceed \$500. The total amount of tax credits available under this section for a calendar year shall not exceed \$50,000. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year in which the aquaculture oyster floats were purchased, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years.

Patron - Miyares

[F] HB139 New media and technology innovation income tax credit. Establishes a new media and technology innovation income tax credit, starting with taxable year 2020, 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 funds from any source to buy back credits from credit holders, provided that the Governor pays at least 80 percent of their value.

Patron - Davis

F HB158 Income tax deduction; primary and secondary school tuition or home instruction expenses. Provides an income tax deduction beginning in taxable year 2020 for education expenses incurred by the parent or guardian of a child under the age of 18. Qualifying education expenses for the deduction are defined in the bill as tuition for a primary or secondary school in the Commonwealth, or expenses directly related to the home instruction of children.

Patron - Cole, M.L.

F HB230 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members. Provides for taxable years 2020 through 2024 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.

Patron - Freitas

F HB243 Income tax subtraction; veteran retirement compensation. Provides an income tax subtraction for the annual retirement compensation received by veterans for their service.

Patron - Cole, J.G.

F HB302 Litter tax. Repeals the annual litter tax. The bill does not affect any litter tax levied prior to July 1, 2020.

Patron - McNamara

F HB309 Transient occupancy tax; state parks. Permits localities to impose transient occupancy taxes on transient room rentals and travel campgrounds in state parks.

Patron - Bloxom

F HB315 Transient occupancy tax; Clarke County. Adds Clarke County 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 - Gooditis

F HB317 County food and beverage tax; maximum rate. Provides that the county food and beverage tax may be increased to equal the highest rate imposed by an adjacent city if such rate is higher than four percent. Under current law, the maximum food and beverage tax rate for counties is four percent.

Patron - Gooditis

F HB361 Family caregiver tax credit. Creates a non-refundable income tax credit beginning in taxable year 2020 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 and (ii) have federal adjusted gross income that is no greater than \$75,000 for an individual or \$150,000 for married persons. Both the caregiver and the eligible family member must be residents of Virginia.

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 2025.

Patron - Rasoul

F HB363 State subsidy of property tax exemptions for disabled veterans and surviving spouses. Requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the armed forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The Commonwealth would subsidize only that portion of tax exempt real estate that exceeds the one percent threshold.

The bill requires the Auditor of Public Accounts to establish an application process whereby a locality would demonstrate that more than one percent of its real estate tax base was lost. The Auditor would certify to the Governor and the General Assembly those localities that would be eligible for a subsidy, and the Governor would include in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities certified as eligible localities.

Patron - Cole, M.L.

F HB374 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery 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. This bill is a reenactment of the first enactment of Senate Bill 1126 of the 2019 legislative session. This bill was incorporated into HB 4.

Patron - Kilgore

F HB428 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery 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. This bill is a reenactment of the first enactment of Senate Bill 1126 of the 2019 legislative session. The bill was incorporated into HB 4.

Patron - Scott

F HB461 Renewable energy property tax credit. Establishes, beginning in taxable year 2020, a tax credit for renewable energy property placed in service. The bill defines "renewable energy property" as certain biomass equipment that uses renewable biomass resources, combined heat and power systems using waste heat to produce electricity or thermal or mechanical energy, certain geothermal equipment, hydroelectric generators located at existing dams or in free-flowing waterways, solar energy equipment, and wind equipment that is necessary for capturing and converting wind energy into electricity or mechanical power.

The credit would equal 35 percent of the installed cost of the renewable energy property. However, the aggregate amount of credit allowed to each person for placing into service renewable energy property during the taxable year would not exceed

\$15,000. Only the ultimate consumer or user of the renewable energy property would be allowed to claim the credit.

The credit would be required to be claimed in five equal annual installments beginning with the taxable year in which the property was placed in service. However, the amount claimed in a single year would not be allowed to exceed 50 percent of the person's total tax liability. The credit would expire and no further credit could be claimed if the renewable energy property was disposed of, taken out of service, or moved out of the Commonwealth during any of the installment years.

The Department of Taxation would issue the tax credits. The Department would be authorized to issue \$5 million in tax credits each fiscal year. Any unused credit could be carried forward for five taxable years. The credit would sunset in 2025.

Patron - Sullivan

F HB469 Sales and use tax exemption for menstrual supplies. Provides that menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow shall be fully exempt from sales and use tax. Under current law, such menstrual supplies are subject to a reduced rate of 1.5 percent, which also applies to food purchased for human consumption and essential personal hygiene products.

Patron - Keam

F HB560 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery 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. This bill is a reenactment of the first enactment of Senate Bill 1126 of the 2019 legislative session. This bill was incorporated into HB 4.

Patron - Lindsey

F HB607 Issuing income tax refunds to certain taxpayers from the Taxpayer Relief Fund. Directs the Department of Taxation to issue income tax refunds of \$110 for an individual or \$220 for married persons filing a joint return to taxpayers who lawfully obtained an extension for filing their tax return and as a result were ineligible to receive a similar refund issued pursuant to legislation enacted during the 2019 Session of the General Assembly. The refund issued under the 2019 legislation was available only to taxpayers who filed prior to July 1, 2019.

Patron - Miyares

F HB631 Income tax deduction; tolls paid on Virginia roads. Establishes an income tax deduction starting in taxable year 2020 for tolls paid for travel on Virginia roads.

Patron - LaRock

F HB633 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 - Willett

F HB676 Income tax subtraction for retirement income of certain federal employees. Establishes, starting in

taxable year 2020, an income tax subtraction for 20 percent of the retirement income of retirees covered under the federal Civil Service Retirement System (CSRS).

Patron - Robinson

F HB679 Real and personal property tax exemptions. Repeals the property tax exemptions for all nonprofit entities that were granted by the General Assembly by designation, effective July 1, 2025. Any locality may grant property tax exemptions to any such organizations to become effective on or after that date.

Patron - LaRock

F HB708 Bank franchise tax credit for student loan refinancing. Provides a nonrefundable credit against the bank franchise tax starting in taxable year 2020 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. The credit may not be applied against bank franchise taxes imposed by a county, city, or town in the Commonwealth.

Patron - Rush

F HB732 Department of Taxation; Virginia Free File. Amends the Virginia Free File program to permit deviation from the Internal Revenue Service Free File program's provisions and conditions that prohibit government providing its own free tax filing software to taxpayers.

Patron - Watts

F HB735 Virginia income tax; indexing; Chained Consumer Price Index for All Urban Consumers. Adjusts Virginia's standard deduction beginning in taxable year 2020 by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. For taxable years on and after 2026, the standard deduction would return to \$3,000 for an individual or a married person filing a separate return 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, but would be adjusted by the percentage increase in the C-CPI-U for the previous taxable year. 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.

Patron - Watts

F HB766 Virginia taxable income; subtractions; volunteer firefighters and volunteer emergency medical services personnel. Provides a state income tax subtraction of \$20 per hour, up to a maximum of 300 hours per taxable year, for bona fide volunteers who perform qualifying services, defined in the bill as volunteer firefighting and fire prevention services, emergency medical services, ambulance services, emergency rescue services, and all training and training-related activities required by law.

Patron - LaRock

F HB768 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

F HB773 Refunds of local taxes; authority of treasurer. Increases from \$2,500 to \$5,000 the maximum amount at which the governing body of a locality may authorize its treasurer to approve and issue a refund of taxes paid as a result of an erroneous tax assessment. The bill was incorporated into HB 316.

Patron - LaRock

F HB844 Income tax; state-specific itemization. Allows an individual taxpayer for taxable years 2020 through 2025 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 - Murphy

F HB903 Virginia Lottery Board; regulation of the manufacturing, distributing, operating, hosting, and playing of dominant skill video games; penalties. Authorizes the manufacture, distribution, operation, hosting, and playing of dominant skill video games in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, operation, and hosting of dominant skill video games and imposes criminal and civil penalties for violations of the law and regulations related to dominant skill video games. The bill imposes a 10 percent tax on all gross profits generated from the play of dominant skill video games and the sale of fills by distributor licensees to operator licensees and provides for how the tax proceeds are disbursed. 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 - Sickles

F HB926 Income tax credit; employer contributions to Virginia College Savings Plan accounts. Provides a nonrefundable income tax credit for taxable years beginning on or after January 1, 2020, but before January 1, 2025, for 35 percent of expenses incurred by a business during the taxable year for contributions into a Virginia College Savings Plan account owned by an employee of the business. If the employee receiving the contribution is a qualified employee, as defined in the bill, the credit shall not exceed \$500 annually for each such employee. If the recipient receiving the contribution is a qualified employee who is not highly compensated, as defined in the bill, the credit shall not exceed \$1,000 annually for each such employee. The total amount of tax credits available for a calendar year shall not exceed \$5 million. Any unused tax credit may be carried over for three years.

Patron - Coyner

F HB948 License taxes; prohibition on rate increases; prohibition on new taxes. Provides that any locality that levies license taxes shall be prohibited from increasing the rate of those taxes above the rate imposed as of January 1, 2020. The bill also prohibits any locality that does not levy license taxes from levying such a tax in the future.

Patron - Webert

F HB977 County food and beverage tax; allowable tax rate; removal of referendum requirement. Removes the

four percent limit on the tax rate that counties may impose on food and beverages. The bill also removes the requirement that a county hold a referendum before imposing such a tax. This bill was incorporated into HB 729.

Patron - Krizek

F HB1008 Personal property tax exemption; household goods and personal effects. Provides that for any tangible personal property tax exemption provided by a locality, household goods and personal effects owned and used by an individual incident to maintaining a vacation home shall be exempt if the preponderance of use for the vacation home is as a residence for its owners.

Patron - Davis

F HB1014 Income tax credits for housing choice vouchers; eligible housing areas. Expands the definition of "eligible housing area" for purposes of the housing choice voucher tax credit to include the City of Alexandria. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to certain areas within the Richmond Metropolitan Statistical Area and the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area. This bill was incorporated into HB 590.

Patron - Herring

F HB1019 Motor vehicle sales and use tax; definition of sale price; trade-in vehicles. Provides that for the purposes of calculating the motor vehicle sales and use tax for new vehicle purchases only, the sale price shall be reduced by the value of any trade-in vehicle. Under current law, no allowance or deduction is given for the value of a trade-in vehicle.

Patron - Adams, L.R.

F HB1091 Income tax subtraction; public school teacher salaries. Establishes for taxable years beginning on and after January 1, 2020, an income tax subtraction for any income from full-time employment as an elementary or secondary school teacher at a public school in the Commonwealth.

Patron - Miyares

F HB1146 Income tax credit; existing business growth. Provides a nonrefundable income tax credit equal to five percent of total corporate income taxes owed by certain small businesses in existence for at least two years that reach new full-time employee hiring thresholds during two-year qualifying periods. The credit is available for taxable years 2020 through 2039 and is awarded for the taxable year during which each qualifying period ends. Existing businesses qualify for the tax credit on the basis of their size during the qualifying period. The credit may be claimed only once in each qualifying period. Businesses claiming the credit may carry over unused credit for the next five taxable years or until the total amount of the credit has been taken, whichever occurs first.

Patron - Wampler

F HB1156 Historic rehabilitation tax credit. Increases from \$5 million to \$10 million the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, which may be claimed by a taxpayer in any taxable year.

Patron - Lopez

F HB1219 Department of Taxation; period of limitations; amended returns; refunds. Increases the period within which a taxpayer may file an amended return with the Department of Taxation from three years to seven years from the last day prescribed by law for the timely filing of the return. The bill increases the period within which a refund may be

made for overpayment upon discovery by the Department or on written application of the taxpayer from three years to seven years from the last day prescribed by law for the timely filing of the return.

Patron - Tran

F **HB1220 State income tax; amended return notice; interest accrual period.** Provides that if the Department of Taxation is made aware that a taxpayer is required to file an amended federal income tax return, the Department would be required to notify such taxpayer in writing regarding whether an amended Virginia income tax return is also required to be filed. This requirement would apply with respect to taxpayers subject to the individual income tax, corporate income tax, and the income tax imposed on estates and trusts. This bill would give the Department the discretion to waive interest due on an underpayment of income taxes or the pass-through entity nonresident withholding tax if a return was submitted in good faith and the understatement of the amount in the return was not due to any fault of the taxpayer. Under current law, the Department is required to waive any applicable penalties in this situation, but does not have the authority to waive interest.

Patron - Tran

F **HB1241 Income tax modifications for certain companies in economically distressed localities.** Adds the City of Portsmouth to the list of economically distressed localities in which a company may invest to become eligible for certain income tax modifications. Under current law, a company is eligible for such modifications 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.

Patron - Heretick

F **HB1270 State sales and use tax in the Historic Triangle; sunset; referendum.** Repeals the additional state sales tax imposed in the Historic Triangle on July 1, 2026, unless the tax is affirmed by voters in a referendum held in the City of Williamsburg and the Counties of James City and York.

Patron - Batten

F **HB1295 Tax on fossil fuel investments by electric utilities.** Imposes a tax on investor-owned electric utilities and electric cooperatives based on the amount that the utility invests in a year on fossil fuel infrastructure. The rate of the tax starts at 2.5 percent of the amount of a utility's fossil fuel investments in 2021 and increases in annual increments thereafter until reaching 100 percent in 2040 and thereafter. The measure directs that the revenue collected from the tax shall be deposited into the Clean Energy Development Fund and used to pay administrative costs of the Department of Mines, Minerals and Energy; reduce the electric utility bills of customers that opt to purchase electricity from renewable energy sources; invest in renewable electric energy generation sources in low-income communities; establish and fund block grants to enable community solar facilities and energy storage installation; and enable attainment of renewable portfolio standards based on regulations adopted by the Department.

Patron - Helmer

F **HB1343 Lottery Board; regulation of casino gaming.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery 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. This bill is a reenactment of the first enactment of Senate Bill 1126 of the 2019 legislative session. This bill was incorporated into HB 4.

Patron - Bourne

F **HB1358 Eliminating individual income tax liability.** Eliminates individual income tax liability starting in taxable year 2020 by reducing to zero the rate that applies to all taxable income. Entities such as trusts and partnerships, which also are taxed under the individual income tax system, would continue to be subject to taxation at the same rates as they are under current law.

Patron - Webert

F **HB1397 Virginia taxable income; subtractions; volunteer firefighters and volunteer emergency medical services personnel.** Provides a state income tax subtraction of \$20 per hour, up to a maximum of 300 hours per taxable year, for bona fide volunteers who perform qualifying services, defined in the bill as volunteer firefighting and fire prevention services, emergency medical services, auxiliary police officers, ambulance services, emergency rescue services, and all training and training-related activities required by law.

Patron - Robinson

F **HB1412 Reporting of payments by third-party settlement organizations.** Requires third-party settlement organizations (TPSOs) to report to the Tax Department the gross amount of payments made to any participating payee, a person who receives payment from a TPSO. Generally speaking, a TPSO is a company that provides a platform for buyers and sellers to transact goods or services and settles transactions between those parties. Examples include marketplace facilitators and "gig economy" platforms. Under federal law, payments by TPSOs to participating payees need not be reported unless they exceed \$20,000 and there are more than 200 transactions between the TPSO and the participating payee. The bill instead requires use of the standard 1099 reporting threshold for non-TPSO income, \$600, as the level at which TPSO income must be reported to the Tax Department. The requirements of the bill apply only to payments to participating payees with a Virginia address.

Patron - Watts

F **HB1435 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. The provisions of the bill apply to taxable years beginning on and after January 1, 2020, but before January 1, 2026.

Patron - Jones

F **HB1487 Exemption from sales tax for sales of gun safes.** Provides a tax exemption for the purchase of gun safes with a price of \$1,000 or less.

Patron - LaRock

F **HB1496 State subsidy of property tax exemptions for disabled veterans and surviving spouses.** Requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the armed forces killed in action. The Commonwealth would subsidize localities for the amount of real estate tax revenue lost due to these constitutionally mandated tax relief programs.

The bill requires the Auditor of Public Accounts to establish an annual application process whereby a locality would

demonstrate the amount of its real estate tax base that was lost. The Auditor would certify such amounts to the Governor and the General Assembly, and the Governor would include in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities.

Patron - Mugler

F HB1520 Real property tax; homestead tax relief. Permits a taxpayer to defer up to 95 percent of taxes on his homestead, defined in the bill, if the amount of real property tax on his homestead has increased by at least 25 percent since the date of purchase. The amount deferred must be paid upon transfer of the property or the owner's death.

Patron - McQuinn

F HB1533 Motion picture production tax credit; aggregate cap. Increases beginning in fiscal year 2020 the aggregate limit on the amount of motion picture production tax credits that may be issued from \$6.5 million to \$13 million annually. The bill provides that the increase to the cap shall be reserved for productions filmed in economically distressed areas of Virginia.

Patron - Kilgore

F HB1555 Income tax deduction for commuter benefits provided by an employer. Establishes starting in taxable year 2020 an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee.

Patron - Watts

F HB1583 Local treasurers; power to summon taxpayers and other persons. Provides that a local treasurer's power to summon a taxpayer or other person to answer questions under oath or produce documents for the purpose of collecting delinquent amounts owed to the locality applies to any amounts, charges, or fees owed to the locality as well as to taxes owed to the locality. The bill contains a technical amendment.

Patron - Heretick

F HB1589 Virginia Lottery Board; repeal prohibition against sale of lottery tickets over the Internet; regulation of the manufacturing, distributing, hosting, and playing of electronic gaming devices; penalties. Renames the Virginia Lottery as the Virginia Lottery and Gaming Department and the Virginia Lottery Board as the Virginia Lottery and Gaming Oversight Board. The bill authorizes the manufacture, distribution, hosting, and playing of electronic gaming devices in the Commonwealth, to be regulated by the Virginia Lottery and Gaming Oversight Board. The bill specifies the licensing requirements for the manufacture, distribution, and hosting of electronic gaming devices and imposes criminal and civil penalties for violations of the law and regulations related to electronic gaming devices. The bill prohibits any host location licensee from offering more than five electronic gaming devices to the public for play at such host location's establishment and allows for a maximum of 15,000 electronic gaming devices in the Commonwealth. The bill imposes a 35 percent tax on all gross profits from the play of electronic gaming devices and provides for disbursement of the tax proceeds. 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 and problem gamblers. The bill authorizes

the Lottery to sell tickets over the Internet. Under current law, it is prohibited from doing so.

Patron - Bagby

F HB1652 Tax credit; agricultural best management practices. Creates an enhanced individual and corporate income tax credit beginning in taxable year 2020 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 75 percent of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural Best Management Practices Cost-Share Program. The amount of the enhanced credit shall not exceed \$75,000. The bill retains a tax credit for 25 percent of expenses made for all other agricultural best management practices that are not eligible for the enhanced credit rate, but increases the maximum amount of expenses to which one can apply the 25 percent credit to \$100,000.

Patron - Wilt

F HB1661 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill limits casino gaming to certain cities that meet the criteria outlined in the bill and requires that, prior to the establishment of casino gaming operations in such city, the voters of the city approve a referendum on the question of allowing casino gaming in the city. The bill also provides that if an operator license to conduct casino gaming is issued to an owner that is a Virginia Indian tribe, as described in the bill, for any city that meets the criteria outlined in the bill, any entity holding an owner's or operator's license from the Virginia Racing Commission that is operating in the same city shall be allowed to conduct casino gaming. This bill was incorporated into HB 4.

Patron - Carr

F HB1673 Plastic bag tax; use of revenues. Allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores in the Commonwealth. The bill also (i) requires every retailer to provide recycling receptacles at its place of business for such disposable plastic bags and (ii) allows every retailer that collects the tax to retain one cent (\$0.01) of every five cents (\$0.05) collected. The tax is to be administered in the same manner as the retail sales and use tax, and all revenues from the tax shall be deposited in equal sums into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. The bill was incorporated into HB 1151.

Patron - Ware

F HB1686 Virginia Lottery Board; regulation of the manufacturing, distributing, operating, servicing, hosting, and playing of video game terminals; penalties. Authorizes the manufacturing, distributing, operating, servicing, hosting, and playing of video game terminals in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, operating, servicing, and hosting of video game terminals, requires employees of such licensees to be registered with the Lottery Department, and imposes criminal and civil penalties for violations of the law and regulations related to video game terminals. The bill prohibits any host location licensee from offering more than five electronic gaming devices to the public for play at such host location's establishment. The bill imposes a 33 percent tax on all gross profits from the play of video game terminals and provides for how the tax proceeds are disbursed. 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 - Reid

F **HB1694 Tax credits; vested interest.** Creates a vested interest when a taxpayer claims a tax credit, including an interest in any conditions placed upon the credit, and prohibits alteration of such interest by a subsequent action of the General Assembly. The provisions of the act are retroactive but shall not be construed to extend the time during which a taxpayer may file an amended tax return.

Patron - Fariss

F **HB1703 Telework expenses tax credit; expiration.** Reinstates the telework expenses tax credit for taxable years 2020 and 2021. Under current law, the tax credit expired for taxable years on or after January 1, 2019. The bill removes the application process for claiming the credit and directs the Tax Commissioner to develop and update procedures and guidelines for claiming the credit at the time eligible employers file their taxes for the previous taxable year.

Patron - Tran

F **HB1716 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; net interest deduction.** Conforms the taxation system in Virginia with relevant provisions of the Internal Revenue Code.

Patron - Sullivan

F **HB1728 Car tax credit for tolls paid.** Provides that localities may allow taxpayers a credit against the amount of tangible personal property tax paid on privately owned or leased motor vehicles. The credit shall equal the amount of tolls paid by a taxpayer for traveling on highways in the Commonwealth in the period for which the tax was imposed. The credit shall be nonrefundable and cannot be carried over beyond the period in which the tax was imposed.

Patron - LaRock

F **SB26 Plastic bag tax in the Chesapeake Bay Watershed.** Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of every five cents collected. This bill was incorporated into SB 11.

Patron - Petersen

F **SB102 Lottery Board; regulation of casino gaming.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery 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. This bill is a reenactment of the first enactment of Senate Bill 1126 of the 2019 legislative session. The bill was incorporated into SB 36.

Patron - Pillion

F **SB231 Sales and use tax exemption for menstrual supplies.** Provides that menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow shall be fully exempt from sales and use tax. The exemption would be available from July 2021 to July 2026. Under current law, such menstrual supplies are subject to a reduced state sales tax rate of 1.5 percent, which also

applies to food purchased for human consumption and essential personal hygiene products, as well as a local sales tax rate of 1 percent. The bill has a delayed effective date of July 1, 2021. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Boysko

F **SB254 Allocation of additional sales and use tax in certain counties and cities of historic significance for the planning and construction of a shared sports facility.** Requires that the City of Williamsburg and the Counties of James City and York each allocate 10 percent of the revenues received from the Historic Triangle sales and use tax for the planning and construction of a shared sports facility. If the three localities do not approve the development of a shared sports facility by July 1, 2021, Chapter 850 of the Acts of Assembly of 2018 that created and authorized the additional sales and use tax will expire.

Patron - Norment

F **SB332 Allocation of remote sales tax collections; Transportation Trust Fund.** Allocates sales tax revenues collected from remote sellers, pursuant to Chapters 815 and 816 of the Acts of Assembly of 2019, to the Transportation Trust Fund to be used for the maintenance and repair of existing highways.

Patron - Stuart

F **SB348 Virginia Lottery Board; regulation of the manufacturing, distributing, owning, hosting, and playing of electronic gaming devices; penalties.** Authorizes the manufacture, distribution, owning, hosting, and playing of electronic gaming devices in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, owning, and hosting of electronic gaming devices and imposes criminal and civil penalties for violations of the law and regulations related to electronic gaming devices. The bill prohibits any host location licensee from offering more than nine electronic gaming devices to the public for play at such host location's establishment. The bill imposes a 10 percent tax on all gross profits from the play of electronic gaming devices and provides for how the tax proceeds are disbursed. 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 - Lucas

F **SB374 Lottery Board; regulation of casino gaming.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery 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. This bill is a reenactment of the first enactment of Senate Bill 1126 of the 2019 legislative session. The bill was incorporated into SB 36.

Patron - Lewis

F **SB452 Motor vehicle fuels sales tax in certain counties and cities.** Imposes a regional motor vehicle fuels sales tax at a rate of 7.6 cents per gallon and gasoline and 7.7 cents per gallon of diesel fuel in any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The new revenues will be returned to the transportation district in which the revenues are generated via the construction district

grant program. The bill also converts the existing regional motor vehicle fuels sales in Northern Virginia, Hampton Roads, and the Interstate 81 Corridor from tax from a percentage of the distributor price of a gallon of gasoline to this same cents per gallon rate. The rate will be indexed each year beginning July 1, 2021.

Patron - Edwards

[F] SB484 Local taxing authority. Equalizes city taxing authority and county taxing authority by granting a county the same authority available to impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed. The bill retains a restriction that applies to counties under current law and requires that any transient occupancy tax revenue attributable to a rate of between two and five percent must be used for tourism marketing.

The bill directs the Division of Legislative Services to convene a work group to develop recommendations as to any additional legislative changes that may be needed to effectuate the provisions of the bill. This bill was incorporated into SB 588.

Patron - Favola

[F] SB500 Tax credit for teaching material expenses. Establishes an individual nonrefundable income tax credit of up to \$250 for licensed teachers in taxable years beginning on or after January 1, 2020, but before January 1, 2025, for the purchase price of materials used in teaching public primary or secondary school students that were purchased during the taxable year, provided that such purchases were neither reimbursed nor claimed as a deduction on the teacher's federal income tax return. The total amount of tax credits available for a taxable year shall not exceed \$1 million. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year in which the teaching materials were purchased, such excess may be carried over for five years. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Reeves

[F] SB559 Entitlement to sales tax revenues from certain public facilities; authorized localities and facilities; sunset. Adds the City of Chesapeake to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. The bill adds outdoor amphitheater to the list of authorized public facilities and extends until July 1, 2024, the period of time during which authorized localities may issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expires on July 1, 2020.

Patron - Spruill

[F] SB591 Economic development incentives for gasification facilities and pyrolysis facilities. The bill provides that gasification facilities and pyrolysis facilities, defined in the bill, shall be eligible for grants from the Commonwealth's Development Opportunity Fund under the minimum investment and job creation criteria for grants from the Fund, which under current law are a \$1.5 million investment and 15 new jobs.

Patron - Hanger

[F] SB596 Motor vehicle fuels sales tax in certain counties and cities. Imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are

generated via the construction district grant program. The bill also requires the Secretary of Transportation to develop a plan to ensure a fair, equitable, and sustainable mode of highway-use taxation.

Patron - Hanger

[F] SB604 Land preservation tax credit; verification requirements. Requires verification by the Department of Conservation and Recreation of the conservation value of a donation for credits of \$500,000 or more. Current law only requires such verification for credits of \$1 million or more.

Patron - Stuart

[F] SB609 Virginia Lottery Board; Casino Gaming Establishment Location Commission; penalties. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The bill establishes qualified locations for casino gaming operations, imposes a tax of 27 percent on the adjusted gross receipts of licensees, and provides for how the tax proceeds are disbursed. The bill also requires the Board to establish and implement a voluntary exclusion program and 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. In addition, the bill (i) creates the Casino Gaming Establishment Location Commission to evaluate and select proposals for the operation and development of casino gaming establishments, (ii) details qualifications for Commission members, and (iii) provides the criteria to be considered to evaluate and award proposals. This bill was incorporated into SB 36.

Patron - Norment

[F] SB634 Alternative and efficient energies; subsidies and rebates. Creates incentive programs relating to the adoption of alternative and efficient energies. The bill establishes the Energy Efficiency Subsidy Program to fund grants to subsidize residential energy efficiency measures and directs the Department of Taxation to study the possibility of incorporating an electric vehicle rebate into the Program. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Surovell

[F] SB682 County food and beverage tax. Eliminates the limit that restricts a county from imposing a food and beverage tax (commonly referred to as the meals tax) at a rate greater than four percent. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, the tax limit and referendum requirement apply to counties but not cities. This bill was incorporated into SB 588.

Patron - Mason

[F] SB692 Interstate 81 Corridor; motor vehicle fuels sales tax. Limits the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located.

Patron - Obenshain

[F] SB743 Virginia Lottery Board; Casino Gaming Establishment Location Commission; penalties. Authorizes casino gaming in the Commonwealth to be regulated by the

Virginia Lottery Board. The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The bill establishes qualified locations for casino gaming operations, imposes a tax of 27 percent on the adjusted gross receipts of licensees, and provides for how the tax proceeds are disbursed. The bill also requires the Board to establish and implement a voluntary exclusion program and 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. The bill creates a 14-member Casino Gaming Establishment Location Commission to evaluate and select proposals for the operation and development of casino gaming establishments and details qualifications for Commission members. Weighted criteria are established that must be considered by the Commission when evaluating proposals. The Commission sunsets on July 1, 2023. In addition, the bill provides for (i) a five-year moratorium on the authorization by the Virginia Racing Commission of any additional satellite facilities and (ii) the Department of Behavioral Health and Developmental Services and the Lottery Board to establish an ongoing stakeholder group to enable collaboration among problem gambling prevention and treatment providers and casino gaming operators. The bill requires the Board to promulgate emergency regulations to implement the provisions of this bill. This bill was incorporated into SB 36.

Patron - McPike

[F] SB750 Peer-to-peer vehicle sharing platforms; taxation. Provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation.

Patron - Cosgrove

[F] SB789 Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax. Advances from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials and makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill. The bill increases the dollar value of the credit from 20 percent to 100 percent of the purchase price of such equipment, eliminates the requirement that a taxpayer may only claim up to 40 percent of his tax liability in credit per year, and makes the credit refundable and transferable for credits issued starting in taxable year 2020. The bill provides that certain machinery, tools, and materials used in advanced recycling shall be exempt from sales tax. The bill provides that such machinery, tools, and materials shall be segregated and classified as machinery and tools, which are taxed at a lower rate than the generally applicable personal property tax rate. This bill was incorporated into SB 590.

Patron - Lewis

[F] SB799 County food and beverage tax. Eliminates the limit that restricts a county from imposing a food and beverage tax (commonly referred to as the meals tax) at a rate greater than four percent. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, the tax limit and referendum requirement apply to counties but not cities. This bill was incorporated into SB 588.

Patron - Lewis

[F] SB800 Real property tax exemption for certified pollution control equipment and facilities. Advances the sunset date of the real property tax exemption for solar photo-

voltaic (electric energy) projects greater than 20 megawatts from 2024 to 2021.

Patron - Lewis

[F] SB820 Constitutional amendment (voter referendum); personal property tax exemption; motor vehicle owned by a veteran who is disabled. Provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a 100-percent service-connected, permanent, and total disability.

Patron - Morrissey

[F] SB852 Taxes on tobacco products; penalties. Provides that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law.

The bill authorizes all localities to tax all tobacco products with no restriction on the tax rate. Under current law, cities may tax only cigarettes, and the Counties of Arlington and Fairfax may tax cigarettes at a rate no higher than the state rate.

The bill dedicates portions of revenue accruing as a result of the tax increases and new taxes established by the bill to the Department of Health for its costs related to Quit Now Virginia for the purpose of providing free information and coaching to residents who want to quit smoking or using tobacco; to the Virginia Foundation for Healthy Youth to fund initiatives to prevent or reduce youth tobacco use; to the Department of Behavioral Health and Developmental Services to fund initiatives to educate merchants on the laws governing the sale of tobacco products; and to the general fund.

Patron - Ebbin

[F] SB899 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 - Saslaw

[F] SB919 Sales and use tax exemption for broadband providers. Establishes a sales and use tax exemption for broadband providers that purchase technology for improving existing broadband infrastructure. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Peake

[F] SB921 Local cigarette tax; authorize all counties to impose without rate limit. Permits any county to impose a

cigarette tax. Under current law, only the Counties of Arlington and Fairfax have such authority. The bill provides that there shall be no limitation on the cigarette tax rate imposed by counties. Under current law, cities and towns may impose the tax without limitation on the rate, but the Counties of Arlington and Fairfax may impose the tax at a rate not to exceed the amount levied under state law (\$0.30 per pack). This bill was incorporated into SB 588.

Patron - Locke

[F] SB942 Historical horse racing; transfer of regulatory authority from the Virginia Racing Commission to the Virginia Lottery Board. Transfers administrative and regulatory authority over historical horse racing from the Virginia Racing Commission to the Virginia Lottery Board. The bill also codifies certain existing regulations pertaining to historical horse racing.

Patron - Ruff

[F] SB959 Lottery; repeal prohibition of Internet sales of lottery tickets. Authorizes the Lottery to sell tickets over the Internet. Under current law, it is prohibited from doing so. This bill was incorporated into SB 922.

Patron - Barker

[F] SB960 Virginia Lottery Board; regulation of the manufacturing, distributing, operating, hosting, and playing of dominant skill video games; penalties. Authorizes the manufacture, distribution, operation, hosting, and playing of dominant skill video games, defined in the bill, in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, operation, and hosting of dominant skill video games and imposes criminal and civil penalties for violations of the law and regulations related to dominant skill video games. The bill imposes a 20 percent tax on all gross profits generated from the play of dominant skill video games and the sale of fills, defined in the bill, by distributor licensees to operator licensees and provides for how the tax proceeds are disbursed. 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 - Ruff

[F] SB962 Income and receipts taxes on public service corporations; authorizing localities to assess and tax real and personal property of public service corporations. Repeals existing state and local gross receipts, revenue, and alternative minimum taxes that currently apply to public service corporations. The bill eliminates the authority of the State Corporation Commission to assess the tax value of real and personal property of public service corporations and eliminates the authority of the Department of Taxation to assess the tax value of real and personal property of railroads and pipeline transmission companies. However, the Department of Taxation would retain such authority with respect to rolling stock.

The bill requires localities to assess and tax the real and personal property of public service corporations, except the rolling stock of railroads, in accordance with existing laws governing local real and personal property taxation.

Patron - Ruff

[F] SB989 Additional transient occupancy tax in Spotsylvania County. Authorizes Spotsylvania County to impose an additional transient occupancy tax at a rate of four percent, for a total maximum rate of nine percent. The bill

requires that revenue from the additional tax be spent on tourism marketing.

Patron - Stuart

[F] SB1012 Individual income tax subtraction for certain low-income and middle-income students. Establishes an individual income tax subtraction starting in taxable year 2021 for any financial assistance received by a student through the Get Skilled, Get a Job, Give Back Program, which was included in the Governor's introduced budget and would offer financial assistance to low-income and middle-income Virginia residents. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Dunnivant

[F] SB1056 Payment of motor vehicle sales and use tax. Allows a lessee of a motor vehicle to pay the motor vehicle sales and use tax due on such vehicle in equal monthly payments as part of the lease payment.

Patron - Ruff

[F] SB1058 Corporate income tax returns of affiliated corporations. Provides that, for taxable years 2020 through 2021, certain affiliated corporations may elect to switch to or from consolidated corporate income tax return filing status under certain conditions. The option would be available only to a group with at least one affiliate that is (i) a bank exempt from filing a Virginia corporate income tax return or (ii) an aerospace manufacturer. Current law requires a group of corporations to apply to the Tax Commissioner for permission to change the basis of the type of return filed and to meet certain specified requirements in order for permission to be granted. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Lewis

[F] SB1059 Sports betting; Virginia Sports Betting Department created; Problem Gambling Treatment and Support Fund; Sports Betting Operations Fund; penalties. Establishes the Virginia Sports Betting Department and authorizes it to regulate sports betting. Before administering a sports betting operation, an entity is required to apply for a one-year license and pay an application fee of \$50,000 to operate a sports betting facility or \$100,000 to operate a sports betting platform. 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 2020 had approved such facilities at referendum or (ii) in a locality that votes to allow sports betting at referendum. The Department could issue up to five licenses to operate a sports betting facility; however, this limit would not apply to a facility at an existing racetrack or off-track betting facility. The Department could issue up to three licenses to operate a sports betting platform.

Under the provisions of the bill, betting on college sports and youth sports is prohibited, and betting on professional sports is allowed. 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 15 percent tax on revenue from sports betting facilities and sports betting platforms. The bill uses part of the tax revenue to fund the Department's operating costs, treatment of problem gambling, and contributions to the horsemen's purse account. Such initiatives are funded by an aggregate of five percent of the tax revenue. Fifty percent of tax revenue would accrue to the locality in which it was generated, and 45

percent 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

[F] SB1063 Virginia Lottery Board; regulation of the manufacturing, distributing, operating, servicing, hosting, and playing of video game terminals; penalties. Authorizes the manufacturing, distributing, operating, servicing, hosting, and playing of video game terminals in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, operating, servicing, and hosting of video game terminals, requires employees of such licensees to be registered with the Lottery Department, and imposes criminal and civil penalties for violations of the law and regulations related to video game terminals. The bill prohibits any host location licensee from offering more than five electronic gaming devices to the public for play at such host location's establishment. The bill imposes a 10 percent tax on all gross profits from the play of video game terminals and provides for how the tax proceeds are disbursed. 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 - McPike

[F] SB1083 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill limits casino gaming to certain cities that meet the criteria outlined in the bill and requires that, prior to the establishment of casino gaming operations in such city, the voters of the city approve a referendum on the question of allowing casino gaming in the city. The bill creates the Virginia Indigenous People's Trust Fund, from which a portion of the Commonwealth's share of certain casino gaming tax revenues shall be disbursed to six Virginia Indian tribes. This bill was incorporated into SB 36.

Patron - McClellan

Carried Over

[C] HB93 Sale or distribution of flavored tobacco products prohibited; civil penalty. Prohibits the sale or distribution of flavored tobacco products, defined in the bill, and creates a civil penalty of \$1,000 for a first offense and \$5,000 for a second or subsequent offense.

Patron - Kory

[C] HB496 Virginia Tourism Authority; marketing model for casinos. Directs the Executive Director of the Virginia Tourism Authority to develop a state and local tourist marketing model for casinos in the Commonwealth that shall include (i) identification of the Authority's specific and measurable marketing goals and the timetable to achieve such goals, (ii) identification of specific marketing activities, and (iii) the development of quantifiable metrics and performance measures for attaining each such goal. The bill also requires the Authority to report to the Governor and the General Assembly on its marketing model and its progress toward meeting the goals and objectives stated in the marketing model. The provisions of the bill shall not become effective unless and until legislation legalizing casino gaming in the

Commonwealth is passed by the 2020 Session of the General Assembly and becomes law.

Patron - Marshall

[C] HB521 Education Improvement Scholarships Tax Credits. Repeals the Education Improvement Scholarships Tax Credits. Any qualifying donations made prior to July 1, 2020, shall be eligible for the credit, including the ability to carry over the credit, as it was in effect on June 30, 2020.

Patron - Bulova

[C] HB531 Individual income tax; refundable credit for coverage under qualified health plan. Provides a refundable individual income tax credit for taxable years 2020 through 2024 for a portion of the health care premium costs of a taxpayer insured through the individual marketplace of the Affordable Care Act, provided that such taxpayer has a household income between 400 and 500 percent above the federal poverty line. The amount of the credit would be the lesser of (i) the taxpayer's health care premiums or (ii) the amount by which the premium for a silver plan exceeds 10 percent of household income.

Patron - Samirah

[C] HB729 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. This bill incorporates HB 977.

Patron - Watts

[C] HB734 Income tax; rolling conformity with the Internal Revenue Code; nonconformance with certain amendments. Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. The bill provides that Virginia will not conform to the reduction in the medical expense deduction floor in the federal Further Consolidated Appropriations Act, 2020. However, the bill also provides that unless subsequently adopted by the General Assembly, Virginia shall not conform to any amendments to the Internal Revenue Code that have an impact of \$10 million or more on Virginia tax revenues in the fiscal year in which the amendment was enacted or any of the next four years. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and the House Committees on Appropriations and Finance, shall be responsible for determining when an amendment meets these criteria. The Secretary of Finance shall also provide an annual report to such Chairmen on the fiscal impact of amendments to the Internal Revenue Code. The bill applies to taxable years beginning on and after January 1, 2019.

Patron - Watts

[C] HB736 Estate tax; reinstatement. Reinstates the estate tax for persons dying on and after July 1, 2020. No estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a

working farm. The bill designates revenues from the estate tax to be used for health care purposes.

Patron - Watts

HB739 Corporate income tax; combined reporting requirements. Requires, for taxable years beginning on or after January 1, 2021, unitary combined reporting for Virginia corporate income tax purposes.

Patron - Watts

HB796 Corporate income tax; sourcing of sales other than sales of tangible personal property. Implements market-based corporate income tax sourcing for attributing sales, other than sales of tangible personal property, to Virginia beginning with taxable year 2021.

Patron - Knight

HB892 Peer-to-peer vehicle sharing platforms; taxation. Provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation.

Patron - Sickles

HB947 Green development zones; investments in green technologies. Provides that a locality may grant tax incentives to businesses located in a green development zone that invest in green technologies. Under current law, such incentives may be granted only to green development businesses located in a green development zone or businesses operating in an energy-efficient building located in a green development zone.

Patron - Webert

HB960 Additional state sales tax on firearms and ammunition; use of proceeds; Student Mental Health and Safety Fund and Program. Imposes an additional sales and use tax on the retail sale of firearms and ammunition. The amount of the tax shall be 10 percent minus the amount of tax imposed by all other sales and use taxes levied by the Commonwealth. Revenues from the tax shall be deposited in the Student Mental Health and Safety Fund (the Fund), which is established by the bill. In addition to the Fund, the bill creates the Student Mental Health and Safety Program (the Program). The Program and Fund shall provide grants on a competitive basis to public school divisions for the purpose of funding full-time school counselor positions at a ratio of 250:1 or better, school social worker positions at a ratio of 400:1 or better, and school psychologists at a ratio of 500:1 or better.

Patron - Levine

HB1109 Corporate income tax; combined reporting requirements; disclosures. Requires, for taxable years beginning on or after January 1, 2021, unitary combined reporting for Virginia corporate income tax purposes. The bill also requires corporations, beginning with taxable year 2020, to submit a public disclosure report to the Department of Taxation with certain data related to their state taxes, which will be redacted to hide their identities prior to publication.

Patron - Hudson

HB1120 Taxes on tobacco products; penalties. Provides that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law.

The bill authorizes all localities to tax all tobacco products with no restriction on the tax rate. Under current law, cities may tax only cigarettes, and the Counties of Arlington and Fairfax may tax cigarettes at a rate no higher than the state rate.

The bill dedicates portions of revenue accruing as a result of the tax increases and new taxes established by the bill to the Department of Health for its costs related to Quit Now Virginia for the purpose of providing free information and coaching to residents who want to quit smoking or using tobacco; to the Virginia Foundation for Healthy Youth to fund initiatives to prevent or reduce youth tobacco use; to the Department of Behavioral Health and Developmental Services to fund initiatives to educate merchants on the laws governing the sale of tobacco products; and to the general fund.

Patron - Hope

HB1283 Registration of tobacco products retailers; purchase, possession, and sale of tobacco products; penalties. The bill prohibits any person from selling any tobacco product at retail (i) without first obtaining a permit from the Department of Taxation and (ii) at a location within 1,000 feet of a youth-oriented facility, defined in the bill. The bill prohibits Internet sales of tobacco products, except to a permit-holding retailer, and prohibits the sale of tobacco products from vending machines. The bill imposes civil penalties of up to \$1,500 for selling tobacco products without a permit and up to \$2,000 for selling tobacco products to persons under age 21. Permits would be subject to annual renewal and subject to revocation for violations of federal, state, or local laws related to tobacco products. The bill imposes recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application for a permit.

The bill updates, for the purpose of the crime of selling or distributing tobacco products to a person younger than 21 years of age, the definition of "tobacco products" by including in such definition products currently defined as "nicotine vapor products" or "alternative nicotine vapor products." The bill also removes provisions prohibiting the attempt to purchase, purchase, or possess tobacco products by persons younger than 21 years of age.

The bill provides that the punishment of a retail establishment that sells, gives, or furnishes a tobacco product to a person younger than 21 years of age or to a person who does not demonstrate that such person is at least 21 years of age is a civil penalty of \$500 for a first offense, a civil penalty of \$1,000 for a second offense, and a civil penalty of \$2,500 and a suspension or revocation of such establishment's distributor's license for a third or subsequent offense, regardless of the type of tobacco product. Under current law, such penalties apply only to the sale, distribution, or purchase of a bidi and do not require a suspension or revocation of the establishment's distributor's license, while violations involving all other products are punishable by a civil penalty of \$100 for a first offense, a civil penalty of \$200 for a second offense, and a civil penalty of \$500 for a third or subsequent offense. The bill also removes the exception allowing the sale, giving, or furnishing of any tobacco product, nicotine vapor product, or alternative nicotine vapor product to active-duty military personnel who are 18 years of age or older. Finally, the bill requires agents of the Virginia Alcoholic Beverage and Control Authority to conduct a minimum number of two compliance checks each year on any retailer selling tobacco products and to use a person younger than 21 years of age to conduct such checks.

Patron - Hope

HB1372 Licensing of retailers of vapor products; penalty. Requires any person that engages in the retail sale of vapor products to register with the Department of Taxation as a retail dealer. The bill authorizes the Department to charge an application fee not to exceed its costs of enforcement and application processing. The bill provides for recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application.

Patron - Leftwich

HB1619 Income tax; subtraction for low-income military veterans with a permanent service-connected disability. Provides an income tax subtraction for the military retirement income received by a veteran who has been rated with a 100 percent service-connected, permanent, and total disability. The bill provides that the subtraction is available only to those taxpayers whose federal adjusted gross income is not greater than 150 percent of the federal poverty level for a four-person household. This bill incorporates HB 125.

Patron - Helmer

HB1620 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members. Allows a tax credit for employers of National Guard members and self-employed National Guard members.

Patron - Helmer

HB1676 Consolidated corporate income tax returns of affiliated corporations. Simplifies the process by which companies elect to switch to consolidated corporate income tax return filing status and reduces from 20 to five years the period during which the affiliated group of corporations must have filed on the same basis prior to switching to consolidated return filing status. Current law requires a group of corporations to apply to the Tax Commissioner for permission to change the basis of the type of return filed and to meet some specific requirements in order for permission to be granted.

Patron - Keam

HB1698 Sales and use tax; exemption for railroad rolling stock. Provides that the sales tax exemption for railroad rolling stock shall expire on July 1, 2021.

Patron - Byron

HB1708 Municipal taxation of electronic gaming machines. Authorizes any city or town that has general taxing authority under the Uniform Charter Powers Act to impose a tax at a rate not to exceed 10 percent of the amount paid to play an electronic gaming machine, as defined in the bill.

Patron - Tyler

HB1717 Standard deduction from Virginia taxable income; increasing. Increases the standard deduction for taxable years beginning on and after January 1, 2020, but before January 1, 2026, from \$4,500 to \$6,000 for single individuals and from \$9,000 to \$12,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return).

Patron - Ware

SB143 State subsidy of property tax exemptions for disabled veterans and surviving spouses. Requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the armed forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The Commonwealth would subsidize only that

portion of tax exempt real estate that exceeds the one percent threshold.

The bill requires the Auditor of Public Accounts to establish an application process whereby a locality would demonstrate that more than one percent of its real estate tax base was lost. The Auditor would certify to the Governor and the General Assembly those localities that would be eligible for a subsidy, and the Governor would include in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities certified as eligible localities.

Patron - Stuart

SB191 Virginia taxable income; subtraction for active duty military income or veteran retirement compensation. Provides a subtraction from Virginia taxable income, for taxable years beginning on and after January 1, 2020, for any income of active duty military members or the retirement compensation received by veterans for their service.

Patron - Peake

SB218 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members. Provides for taxable years 2020 through 2024 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 Virginia 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

SB456 Income tax; subtraction for low-income military veterans with a permanent service-connected disability. Provides an income tax subtraction for the military retirement income received by a veteran who has been rated with a 100 percent service-connected, permanent, and total disability. The bill provides that the subtraction is available only to those taxpayers whose federal adjusted gross income is no greater than 150 percent of the federal poverty level for a four-person household.

Patron - Reeves

SB457 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members. Provides for taxable years 2020 through 2024 a nonrefundable tax credit against individual and corporate income taxes for (i) wages paid by an employer to an employee who is an active or reserve Virginia National Guard member or (ii) income of a self-employed active or reserve Virginia 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 at least 45 days but less than 65 days 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 - Reeves

SB460 Individual and corporate income tax credit; employers of military spouses. Provides for taxable years 2020 through 2024 a nonrefundable tax credit against

individual and corporate income taxes for (i) wages paid by an employer to the spouse of an active member of the United States armed forces or (ii) income of a self-employed spouse of an active member of the United States armed forces. The amount of the credit shall be 25 percent of such wages or income. The bill allows a taxpayer to carry unused credits over for up to five taxable years.

Patron - Reeves

C SB637 Estate tax; reinstatement. Reinstates the estate tax for persons dying on and after July 1, 2020. No estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The bill designates revenues from the estate tax to be used for health care purposes.

Patron - Surovell

C SB756 Corporate income tax; combined reporting requirements. Requires, for taxable years beginning on or after January 1, 2021, unitary combined reporting for Virginia corporate income tax purposes.

Patron - Marsden

C SB965 Virginia taxable income; subtraction for certain active duty military income. Provides a subtraction from Virginia taxable income starting with taxable year 2020 for income of active duty military members for service outside of the United States.

Patron - Peake

Trade and Commerce

Passed

P HB38 Tanning facilities; use by persons under age 18. Prohibits a tanning facility from allowing individuals under age 18 to use a tanning device at such facility other than a spray tanning device that does not emit ultraviolet light. The bill includes an exception allowing a person licensed by the Board of Medicine to practice medicine or osteopathic medicine to prescribe or use a phototherapy device, as defined in the bill, for any patient regardless of age.

Patron - Samirah

P HB135 Veterans' benefits. Provides that if any person advertises, arranges, offers, or enters into any assignment of right to receive veterans' pension or retirement benefits, such action constitutes a prohibited practice under the Virginia Consumer Protection Act if such assignment is prohibited or void under specified federal anti-assignment acts.

Patron - Miyares

P HB509 Security freezes on credit reports; fees. Prohibits a credit reporting agency from requiring a consumer to pay a fee to place a security freeze on the consumer's credit report. Currently, a consumer may be required to pay a fee of no more than \$5 to place a security freeze on his credit report. Victims of identity theft are currently exempt from the fee.

Patron - Bulova

P HB1244 Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for

sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party's telephone. The bill increases the amount of damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation. This bill is identical to SB 812.

Patron - Heretick

P HB1266 Septic system inspectors; requirements to perform a septic system inspection. Authorizes any individual who holds a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (Waterworks and Wastewater Works Operators) of Title 54.1 to perform a septic system inspection in connection with any real estate transaction, including refinancings.

Patron - Hodges

P HB1361 Truck Manufacturing Grant Fund; creation. Creates the Truck Manufacturing Grant Fund to make grant payments to an eligible truck manufacturer that makes a capital investment of at least \$397 million at a facility in Pulaski County and creates at least 777 new full-time jobs at the facility. The eligible truck manufacturer would be eligible for an aggregate of \$16.5 million in grants paid out over a 10-year period if it meets such performance parameters. This bill is identical to SB 611.

Patron - Rush

P HB1498 Pharmaceutical Manufacturing Grant Program; creation. Creates the Pharmaceutical Manufacturing Grant Program to make grant payments to an eligible pharmaceutical manufacturer that makes a capital investment of at least \$1 billion at a facility in Rockingham County and creates at least 152 new full-time jobs at the facility. The pharmaceutical manufacturer would be eligible for an aggregate of \$7.5 million in grants paid out over a three-year period if it meets such performance parameters. The bill also makes available, subject to appropriation, \$2.525 million to a comprehensive community college and baccalaureate public institution of higher education in or near Rockingham County to support the workforce development needs of the manufacturer and other research and development companies in the area. This bill is identical to SB 610.

Patron - Sickles

P HB1733 Advanced Production Grant Program and Fund. Creates the Advanced Production Grant Program and Fund to make grant payments to an eligible business transportation manufacturer and producer that engages in the production of business trucks and that makes a capital investment of at least \$58 million at a facility in Pittsylvania County and creates at least 703 new full-time jobs at the facility. The eligible company would be eligible for an aggregate of \$7 million in grants paid out over a five-year period if it meets such performance parameters and complies with the terms of a memorandum of understanding agreed upon by the qualified company, the Commonwealth, and the Virginia Economic Development Authority. This bill is identical to SB 1014.

Patron - Rush

P SB101 Scanning information from driver's license. Allows a merchant to scan the machine-readable zone of an individual's Department of Motor Vehicles-issued identi-

fication card or driver's license in order to verify authenticity of the identification card or driver's license or to verify the identity of the individual when the individual requests a service pursuant to a membership or a service agreement. Currently, a merchant is allowed to conduct such a scan for identity verification purposes if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange. The measure also allows a merchant to retain information obtained from the machine-readable zone of the identification card or driver's license for such a verification purpose. However, the merchant must destroy the retained information when the purpose for which it was provided and retained has been satisfied.

Patron - Marsden

P SB394 Virginia Health Club Act; automated external defibrillator required in health clubs. Requires each health club location to have a working automated external defibrillator.

Patron - McPike

P SB610 Pharmaceutical Manufacturing Grant Program; creation. Creates the Pharmaceutical Manufacturing Grant Program to make grant payments to an eligible pharmaceutical manufacturer that makes a capital investment of at least \$1 billion at a facility in Rockingham County and creates at least 152 new full-time jobs at the facility. The pharmaceutical manufacturer would be eligible for an aggregate of \$7.5 million in grants paid out over a three-year period if it meets such performance parameters. The bill also makes available, subject to appropriation, \$2.525 million to a comprehensive community college and baccalaureate public institution of higher education in or near Rockingham County to support the workforce development needs of the manufacturer and other research and development companies in the area. This bill is identical to HB 1498.

Patron - Hanger

P SB611 Truck Manufacturing Grant Fund; creation. Creates the Truck Manufacturing Grant Fund to make grant payments to an eligible truck manufacturer that makes a capital investment of at least \$397 million at a facility in Pulaski County and creates at least 777 new full-time jobs at the facility. The eligible truck manufacturer would be eligible for an aggregate of \$16.5 million in grants paid out over a 10-year period if it meets such performance parameters. This bill is identical to HB 1361.

Patron - Hanger

P SB665 Electronic Identity Management Act; federated digital identity systems. Amends the Electronic Identity Management Act to accommodate federated digital identity systems. A federated digital identity system (federation) is defined in the measure as a digital identity system that uses federated identity management to enable the portability of identity information across otherwise autonomous security domains. Federated identity management is defined in the measure as a process that allows the conveyance of identity credentials and authentication information across digital identity systems through the use of a common set of policies, practices, and protocols for managing the identity of users and devices across security domains. The digital identity systems involved in a federation are required to be compliant with the Commonwealth's identity management standards and with the provisions of the governing identity trust framework.

Patron - Boysko

P SB812 Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), "telephone solicitation call" includes any

text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party's telephone. The bill increases the amount of damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation. This bill is identical to HB 1244.

Patron - Morrissey

P SB1014 Advanced Production Grant Program and Fund. Creates the Advanced Production Grant Program and Fund to make grant payments to an eligible business transportation manufacturer and producer that engages in the production of business trucks and that makes a capital investment of at least \$58 million at a facility in Pittsylvania County and creates at least 703 new full-time jobs at the facility. The eligible company would be eligible for an aggregate of \$7 million in grants paid out over a five-year period if it meets such performance parameters and complies with the terms of a memorandum of understanding agreed upon by the qualified company, the Commonwealth, and the Virginia Economic Development Authority. This bill is identical to HB 1733.

Patron - Ruff

Failed

F HB68 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 made at the request of the owner by an independent repair provider.

Patron - Carter

F HB1289 Humane Cosmetics Act; civil penalties. Prohibits testing cosmetics on animals in the Commonwealth effective July 1, 2021. The bill also prohibits the sale in the Commonwealth effective July 1, 2023, of any cosmetic that was developed or manufactured using animal testing on or after July 1, 2021. Violations are subject to a civil penalty not to exceed \$10,000.

Patron - Kory

F SB201 Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party's telephone. The bill increases the amount of

damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation.

Patron - Lucas

F SB207 Purchase of service handguns or other weapons by retired sworn law-enforcement officers. Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun.

Patron - Petersen

F SB822 Telephone privacy protection. Requires a telephone solicitor to immediately disclose who is calling and what property, good, or service is being offered. The measure also prohibits caller ID spoofing, which is defined in the measure as causing any caller identification service to transmit caller identification information that represents or states that the call originates from a telephone with an area code assigned to an area in the Commonwealth or from a location in the Commonwealth if the person on whose behalf the telephone solicitation call is being made does not conduct business from a location in the Commonwealth.

The measure prohibits a telephone solicitor from making a telephone solicitation call or the use of an automatic dialing-announcing device in connection with making a call to any subscriber who has registered with the Virginia Do Not Call Registry. The measure requires the Virginia Department of Agriculture and Consumer Services to set up by January 1, 2021, the Virginia Do Not Call Registry for subscribers who wish to block all solicitation calls and calls that use or are made in connection with automatic dialing-announcing devices. The measure becomes effective three months after the Virginia Do Not Call Registry is established by the Department.

Patron - Morrissey

F SB952 High-nicotine vapor products; specialty retail facility; penalty. Prohibits the sale of nicotine vapor products that contain more than 20 milligrams of nicotine per milliliter at retail except at a retail facility that generates at least 50 percent of its revenue from the sale of tobacco products; nicotine vapor products, including liquid nicotine; and alternative nicotine products. The bill provides that any person who violates this prohibition is guilty of a Class 4 misdemeanor.

Patron - Marsden

F SB966 Flavored nicotine vapor product; prohibition; penalty. Prohibits the sale or distribution at retail of a flavored nicotine product. The bill provides that any person who violates this prohibition is guilty of a Class 4 misdemeanor.

Patron - Ebbin

F SB1077 Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party's telephone.

Patron - Chase

Carried Over

C HB473 Personal data; Virginia Privacy Act. Gives consumers the right to access their data and determine if it has been sold to a data broker. The measure requires a controller, defined in the bill as a person that, alone or jointly with others, determines the purposes and means of the processing of personal data, to facilitate requests to exercise consumer rights regarding access, correction, deletion, restriction of processing, data portability, objection, and profiling. The measure also (i) requires transparent processing of personal data through a privacy notice, (ii) requires controllers to disclose if they process personal data for direct marketing or sell it to data brokers, and (iii) requires controllers to conduct a risk assessment of each of their processing activities involving personal data and an additional risk assessment any time there is a change in processing that materially increases the risk to consumers. The measure applies to any legal entity that conducts business in the Commonwealth or produces products or services that are intentionally targeted to residents of the Commonwealth and that (a) controls or processes personal data of not fewer than 100,000 consumers or (b) derives over 50 percent of gross revenue from the sale of personal data and processes or controls personal data of not fewer than 25,000 customers. A violation of this measure is made a prohibited practice under the Virginia Consumer Protection Act.

Patron - Sickles

C HB884 Safe destruction of records containing personal identifying information. Requires a commercial entity that is in possession of, or has within its custody or control, records that (i) contain consumers' unencrypted, unredacted personal identifying information and (ii) are no longer needed by the commercial entity to take reasonable steps to destroy, or arrange for the destruction of, the records by shredding, erasing, or otherwise destroying or modifying the personal identifying information in the records to make it unreadable or indecipherable. The measure does not apply to certain financial institutions, health insurance or health care facilities, consumer reporting agencies, or governmental entities. The measure authorizes a consumer who incurs actual damages due to a reckless or intentional violation of these requirements by a commercial entity to bring a civil action.

Patron - Subramanyam

C HB952 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, 2021.

Patron - Ayala

C HB954 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 indecipherable. The measure requires

any business that owns, licenses, or maintains 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. A violation of these requirements constitutes a prohibited practice under the Virginia Consumer Protection Act. 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, 2021.

Patron - Ayala

C HB955 Children's online privacy protection. Prohibits any person who operates a website for commercial purposes and who collects or maintains personal information from or about the users of or visitors to such website or online service from releasing personal information collected from minors for any purpose, except where the personal information is provided to a person other than an operator that provides support for the internal operations of the website, online service, online application, or mobile application of the operator, excluding any activity relating to targeted marketing directed to minors, and does not disclose or use that personal information for any other purpose. The measure also requires operators to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children. A violation is a prohibited practice under the Virginia Consumer Protection Act. The measure has a delayed effective date of January 1, 2021.

Patron - Ayala

C HB956 Virginia Consumer Protection Act; advertising or offering for sale of Internet-connected devices targeting children; prohibition. Prohibits the advertising or offering for sale of Internet-connected devices for which the target market consists of consumers below 18 years of age by making it unlawful under the Virginia Consumer Protection Act.

Patron - Ayala

C SB274 Motion picture theaters; required open-captioned showings. Requires any motion picture theater that has four or more separate auditoriums to provide two scheduled showings of a motion picture that engages open captions for a particular showing of an open-captioned-available motion picture each week in any auditorium showing any open-captioned-available motion picture. The measure requires one showing in each auditorium to be during peak weekend motion picture attendance hours, and at least half of the other open-captioned showings to be during peak weekday motion picture attendance hours. If any auditorium is showing more than one motion picture during a week, the theater may select the motion picture to offer as open-captioned showings, but shall show a different motion picture on the weekend than it shows during the week. The measure prohibits a theater from providing more than one open-captioned showing at overlapping times unless the theater has more auditoriums than available showtimes. Persons suffering loss or injury resulting from a

violation may bring an action to recover damages and reasonable attorney fees or injunctive relief.

Patron - Barker

C SB533 Pari-mutuel wagering; breakage; distribution for problem gambling treatment and support; creation of Problem Gambling Treatment and Support Fund. Alters the required distribution of the legitimate breakage from each pari-mutuel pool for live, historical, and simulcast horse racing by requiring that 80 percent be deposited in the Problem Gambling Treatment and Support Fund, created by the bill, and 20 percent be deposited in the Racing Benevolence Fund for gambling addiction and substance abuse counseling or recreational, educational, nutritional, or other related programs. Under current law, 70 percent of the breakage is required to be distributed to the horse racing licensee to be used for capital improvements and 30 percent of the breakage is required to be distributed to the Racing Benevolence Fund for gambling addiction and substance abuse counseling or recreational, educational, or other related programs. The Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services, 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.

Patron - Reeves

Unemployment Compensation

Passed

P HB143 Unemployment compensation; leaving employment to follow military spouse. Repeals the sunset provision on the current statutory provision that provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. This provision will presently expire on December 31, 2020.

Patron - Ware

P SB548 Unemployment compensation. Amends various provisions regarding unemployment compensation and the Virginia Employment Commission. The bill provides that (i) the Commission shall base its determination on whether an individual is an employee on the standard used by the Internal Revenue Service for such determinations; (ii) for the purposes of unemployment compensation, "wages" does not include any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code; and (iii) in an unemployment compensation claims adjudication matter, each day a person fails to obey a subpoena issued by a court, a court order, or a subpoena issued by the Commission shall be deemed to be a separate offense. Additionally, the bill requires (a) any employing unit to establish an account with the Commission by the end of the calendar quarter in which it becomes subject to the requirements for unemployment compensation, (b) an employer that has become subject to liability under the unemployment compensation provisions to submit the required reports by the due date of the calendar quarter in which the employer has initially become subject to such liability, and (c) all employers to file their quarterly payroll and tax reports on an electronic medium using a format prescribed by the Com-

mission. Under current law, only employers with 100 or more employees are required to file electronically. This bill received Governor's recommendations.

Patron - Edwards

Failed

F HB328 Family and Medical Leave Insurance Program. Entitles individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year. Qualified caregiving means an activity, except regular employment, for a reason an individual is entitled to leave under the federal Family and Medical Leave Act of 1993. Benefits would amount to 66 percent of an individual's monthly wages, based on highest annual earnings from the prior three years, up to a capped monthly amount, and would be indexed to the national average wage index. If a person takes the maximum number of days, the benefits would range from a minimum benefit of \$580 to a maximum benefit of \$4,000 per month in the program's first year. To be eligible for benefits, an individual is required to (i) be insured for disability insurance benefits under the Social Security Act at the time his application is filed; (ii) have earned income from employment during the 12 months before filing the application; (iii) have filed an application for a FMLI benefit; and (iv) have been engaged in qualified caregiving, or anticipate being so engaged, during the 90-day period before the application is filed or within 30 days thereafter. The measure establishes the Family and Medical Leave Insurance Fund and requires FMLI benefit payments to be made only from this Fund. A tax of 0.2 percent is imposed on the wages received by every individual, and an excise tax of 0.2 percent of the wages paid in any calendar year by the employer with respect to their employment is imposed on employers. The measure has a delayed effective date of January 1, 2021.

Patron - Levine

F HB825 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, 2023. 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 2022. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

Patron - Carroll Foy

F SB770 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, 2023. 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 2022. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

Patron - Boysko

Virginia Energy Plan

Passed

P HB414 Virginia Energy Plan; covenants regarding solar power; reasonable restrictions. Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill. This bill is identical to SB 504.

Patron - Delaney

P HB706 Offshore oil and gas drilling; prohibition on leases; policy. Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline. This bill incorporates HB 1016.

Patron - Keam

P HB714 Virginia Energy Plan; Commonwealth Energy Policy. Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and

overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. The measure also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan. This bill is identical to SB 94.

Patron - Reid

HB1303 Nuclear energy; strategic plan. Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the Commonwealth's overall strategy for moving toward renewable and carbon-free energy. The plan shall be completed by October 1, 2020, and updated every four years thereafter. This bill is identical to SB 549.

Patron - Hurst

SB94 Virginia Energy Plan; Commonwealth Energy Policy. Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the

negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. The measure also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan. This bill is identical to HB 714.

Patron - Favola

SB504 Virginia Energy Plan; covenants regarding solar power; reasonable restrictions. Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill. This bill is identical to HB 414.

Patron - Petersen

SB549 Nuclear energy; strategic plan. Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the Commonwealth's overall strategy for moving toward renewable and carbon-free energy. The plan shall be completed by October 1, 2020, and updated every four years thereafter. This bill is identical to HB 1303.

Patron - Newman

SB795 Offshore oil and gas drilling; prohibition on leases; policy. Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline. This bill is identical to HB 706.

Patron - Lewis

SB817 Nuclear energy; considered a clean energy source. Provides that for the purposes of the Commonwealth Energy Policy, in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated, or permitted by the Department of Mines, Minerals and Energy, nuclear energy shall be considered to be a clean energy source.

Patron - Lewis

Failed

HB754 Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; handbook. Establishes the Virginia Brownfield Renewable Energy and Coal Mine Grant Fund and Program. The fund and program shall be administered by the Department of Mines, Minerals and Energy for the purpose of awarding grants to renewable energy projects that are located on brownfields or previously coal mined lands. Grants are to be awarded on a basis of \$500

per kilowatt of nameplate capacity from renewable energy sources that are located on previously coal mined lands and \$100 per kilowatt of nameplate capacity from renewable energy sources that are located on brownfields.

No more than \$10 million shall be awarded to any previously coal mined lands project and no more than \$5 million to any single brownfield project. No more than \$35 million shall be allocated per year by the grant program. Of the \$35 million, \$20 million shall be reserved for previously coal mined lands projects. If less than \$20 million is distributed to such projects, the remaining funds may be reallocated to brownfield projects. The bill also provides that, subject to appropriation, the Department shall, in consultation with stakeholders, develop a guidebook for renewable energy and energy storage development on brownfields and previously coal mined lands.

Patron - Kilgore

Carried Over

C **HB547 Virginia Energy and Economy Transition Council established.** Establishes the Virginia Energy and Economy Transition Council, consisting of 30 members, to develop plans to assist the Commonwealth in transitioning from the use of fossil fuel energy to renewable energy by 2050. The bill provides that the Council sunsets on July 1, 2023.

Patron - Delaney

Waters of the State, Ports and Harbors

Passed

P **HB282 Scenic river designation; Maury River.** Designates a 19.25-mile segment of the Maury River as a component of the Virginia Scenic Rivers System. This bill is identical to SB 288.

Patron - Campbell, R.R.

P **HB443 Coal combustion residuals impoundment; Giles and Russell Counties; 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, at the Glen Lyn Plant and the Clinch River Plant in Giles and Russell Counties, respectively, to close such CCR unit under certain circumstances 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 such removed CCR if doing so is anticipated to reduce costs. Such a closure project shall be completed within 15 years of the start of excavation 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, to provide water testing for any such residence.

The bill provides that if the owner or operator moves the 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 (a) 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, 2023, 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 \$40 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 \$40 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, 2020, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2022; 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.

Patron - Carroll Foy

P **HB504 Chesapeake Bay Preservation Areas; mature trees.** Adds the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. This bill received Governor's recommendations.

Patron - Hope

P **HB520 Department of Environmental Quality; tree planting as land cover type, best management practice; stakeholder advisory group.** Directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to

whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use.

Patron - Bulova

P HB542 Regional water resource planning; State Water Control Board regulations. Directs the State Water Control Board to estimate the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basins. Each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional water supply plan. The bill directs the Department of Environmental Quality to facilitate the creation of the regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes strategies in response. The bill directs that the Board and the Department prioritize the allocation of funds to localities that sufficiently participate in regional planning. The bill contains technical amendments.

Patron - Carr

P HB646 Pipeline construction permit; amount of civil penalty for violation. Authorizes the State Water Control Board to include civil penalties of up to \$50,000 per violation, not to exceed \$500,000 per order, in any order for a violation of a permit related to the construction of a natural gas transmission pipeline greater than 36 inches inside diameter. Current law limits such penalties to \$32,500 per violation and \$100,000 per order. The bill requires that at least two written notices of violation have been issued to the person constructing the pipeline, that such violations have not been resolved, and that a hearing has been conducted before the penalty can be assessed.

Patron - Hurst

P HB882 Stormwater management; proprietary best management practices. Directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice (BMP) only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill requires any proprietary BMP that is included on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, to provide documentation to the Department of Environmental Quality showing that its effectiveness has been verified by another state, regional, or national certification program and prohibits any such proprietary BMP that fails to provide such documentation from being used in any stormwater management plan submitted on or after January 1, 2022.

Patron - Bulova

P HB1205 Discharge of deleterious substance into state waters; notice. Requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health (VDH) and local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists when DEQ determines that the discharge may impair state waters or VDH determines that it may be detrimental to public health. The bill requires DEQ to report to the General Assembly (i) a protocol for determining whether a discharge would have a de minimis impact on state waters and (ii) a proposed implementation procedure if the law were amended to require public dissemination of all discharges reported

except for those determined to have a de minimis impact. This bill incorporates HB 1128.

Patron - Tran

P HB1458 Water protection permits; administrative withdrawal. Authorizes the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior to an administrative withdrawal, the bill requires the Board to provide (i) notice to the applicant and (ii) an opportunity for an informal fact-finding proceeding. The bill also authorizes an applicant to request suspension of an application review by the Board that does not affect the Board's ability to administratively withdraw the application.

Patron - Murphy

P HB1609 Nutrient and sediment credit generation and transfer; limit certain transfers to private sector. Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wastewater allocation under certain circumstances. This bill is identical to SB 747.

Patron - Mugler

P SB106 Hydraulic fracturing; groundwater management area; prohibition. Prohibits hydraulic fracturing, as defined in the bill, in certain groundwater management areas.

Patron - Surovell

P SB288 Scenic river designation; Maury River. Designates a 19.25-mile segment of the Maury River as a component of the Virginia Scenic Rivers System. This bill is identical to HB 282.

Patron - Deeds

P SB673 Nonagricultural irrigation wells prohibited outside surficial aquifer. Prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use and requires that such regulations specify the information required to be submitted to the Department of Environmental Quality (the Department) by a golf course or any other person seeking a determination from the Department that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. The bill requires such regulations require the Department, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer.

Patron - Mason

P SB679 Eastern Virginia Groundwater Management Advisory Committee established; sunset. Requires the Department of Environmental Quality to reestablish the Eastern Virginia Groundwater Management Advisory Committee, which expired on January 1, 2018, to assist the Department and the State Water Commission in the management of groundwater in the Eastern Virginia Groundwater Management Area. The bill has an expiration date of July 1, 2025.

Patron - Mason

P SB704 Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion. Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. The measure also directs the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

Patron - Mason

P SB747 Nutrient and sediment credit generation and transfer; limit certain transfers to private sector. Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wastewater allocation under certain circumstances. This bill is identical to HB 1609.

Patron - Hanger

P SB843 Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review. Authorizes the State Water Control Board or the Department of Environmental Quality, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or the Department retain a certified plan reviewer or conduct a plan review. The bill also directs the Board to adopt

implementing regulations and provides requirements for the process of adoption.

Patron - Petersen

P SB1064 Department of Environmental Quality; combined sewer overflow outfalls; James River watershed. Requires the owner or operator of any combined sewer overflow (CSO) system east of Charlottesville that discharges into the James River watershed to submit to the Department of Environmental Quality an interim and a final plan to address the requirements of any consent special order issued by the State Water Control Board. The bill specifies dates by which the owner or operator must initiate construction and complete work to carry out such plans.

Patron - Stuart

Failed

F HB382 Virginia Shoreline Resiliency Fund; grant program. Changes the Virginia Shoreline Resiliency Fund (the Fund) from a lending program to a grant program. The bill directs the Fund to grant money to localities to enable them to offer cost-sharing programs to help residents and businesses that are subject to recurrent flooding.

Patron - Convors-Fowler

F HB643 Pipeline construction; certification requirement; minimum diameter; stop work orders. Reduces from 36 inches to 24 inches the minimum inside diameter of a natural gas transmission pipeline for which an individual Virginia Water Protection Permit, rather than a general permit, is required to conduct activities in wetlands or state waters or an additional upland activity certification is required to obtain a Clean Water Act Certification. The bill reduces from 15 percent to 10 percent the minimum grade of a slope on which any construction activities will trigger the requirement for such additional upland activity certification. The measure requires the Department of Environmental Quality, within five business days of the issuance of a stop work instruction, to notify the pipeline company of specific corrective measures that shall be completed and approved by the Department before any land-disturbing activity may be resumed. The bill authorizes the State Water Control Board, in addition to the Department, to issue such stop work instructions and adds requirements and restrictions on any further construction once such an instruction is issued.

Patron - Hurst

F HB644 Pipeline construction projects; violations; cumulative effect; civil penalties. Directs the State Water Control Board to adopt regulations to penalize the accrual of violations of the State Water Control Law by any large natural gas transmission pipeline construction project. The bill requires the regulations to provide that, for every 10 such violations in one calendar month, the Board shall issue an accrued cumulative impact violation order that includes a civil penalty of \$32,500. If a project accrues a total of 20 such violations in one calendar month, the Board shall additionally, after notice and hearing, initiate proceedings to halt work on the entirety of the project, with work to remain halted until corrective action is taken and is approved by the Board.

Patron - Hurst

F HB1128 Discharge of deleterious substance into state waters; notice. Requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board. Current law requires written notice to be given only to the Director of the Department of Environmental Quality. The bill also requires

the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. This bill was incorporated into HB 1205.

Patron - Lopez

F HB1308 Stormwater management; grandfathered land-disturbing activities. Authorizes any land-disturbing activity that was eligible to take place pursuant to technical criteria that were adopted by the State Water Control Board prior to July 1, 2014, to be governed by such criteria until July 1, 2024. Current regulations grandfathered such activities until July 1, 2019.

Patron - Walker

F HB1393 Nutrient credit trading; adjacent hydrologic unit code. Removes authority for a Virginia Stormwater Management Program or Virginia Erosion and Stormwater Management Program to allow compliance with stormwater nonpoint nutrient runoff water quality criteria through the applicant's acquisition of nutrient credits in the same tributary in an adjacent hydrologic unit code (HUC) or fourth order sub-basin unless certain existing criteria for purchasing credits outside of the HUC or fourth order subbasin are met, when the credits are in a locality with a population fewer than 20,000 and geographic area under 200 square miles.

Patron - LaRock

F HB1454 Department of Environmental Quality; consolidation of erosion and sediment control, stormwater, and Chesapeake Bay preservation laws. Directs the Department of Environmental Quality to study the statutory and regulatory changes necessary to fully integrate and consolidate (i) the Erosion and Sediment Control Law, (ii) the Stormwater Management Act, and (iii) the Chesapeake Bay Preservation Act. The Department shall report the results of its study by December 1, 2020.

Patron - Heretick

F SB1007 Stormwater management; inspections. Directs the State Water Control Board to adopt regulations that require that a long-term maintenance agreement for any best management practice that is a wet pond provide for inspections no more frequently than every three years.

Patron - Reeves

Carried Over

C HB1192 Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of

the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Patron - Lopez

C HB1364 Resource Protection Areas; improvement plans. Directs the State Water Control Board, in promulgating regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas, to provide that any owner of land in a Resource Protection Area may improve such area using native plants and mixtures of organic material. The bill requires that such criteria provide that prior to implementation of such improvement, a landowner obtain a water quality impact assessment and an improvement plan with a professional stamp from a qualified landscape architect, engineer, or other relevant professional. The bill also directs the Board to approve any improvement project that has a net positive benefit to water quality.

Patron - Hodges

C HB1366 Commissioner of Health and the Director of the Department of Environmental Quality; program to remediate septic systems in recurrently flooded areas of Resource Protection Areas. Directs the Commissioner of Health and the Director of the Department of Environmental Quality to develop a program to remediate septic systems in recurrently flooded areas of Resource Protection Areas by allowing owners of septic systems located in portions of Resource Protection Areas that are subject to recurrent flooding to add soil over the septic system tank and to the septic system drainfield to improve septic system drainfield absorption and protect the public health and safety.

Patron - Hodges

C HB1464 Local authority to restrict nutrient credit usage. Authorizes the governing body of any locality, by ordinance, to restrict the total nutrient credits that are generated in the locality and used in an adjacent eight-digit hydrologic unit code or fourth order subbasin to comply with stormwater nonpoint nutrient runoff water quality criteria.

Patron - Gooditis

C HB1674 Eastern Virginia Groundwater Management Area; provisional surface water withdrawal permit. Authorizes the State Water Control Board to issue a provisional surface water withdrawal permit within the Eastern Virginia Groundwater Management Area to an applicant that has not identified an end user for the water. Such permit shall not allow the withdrawal of water until an end user has been identified and the permittee has provided a report containing information on the need for and proposed use of the surface water, a description of the raw water intake, and other information. The bill provides that once the Department of Environmental Quality approves the report, the permittee shall request a permit modification. Finally, the bill provides that no potential withdrawal amount of any provisional permit shall be used in the calculation of available water when assessing a subsequent surface water withdrawal application in the affected stream reach if the provisional permit has not been modified to reflect an end user, the Department and the subsequent applicant have found the provisional withdrawal to be inappropriate, and the provisional permit holder has failed to state that an end user will be secured within 12 months.

Patron - Hodges

C HB1715 Department of Environmental Quality; administration of Virginia Erosion and Sediment Control Programs. Directs the Department of Environmental Quality to operate a required Virginia Erosion and Sediment Control

Program (VESP) on behalf of any locality that notifies the Department of its intent to opt out of operating a VESP.

Patron - Hodges

C SB626 Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Patron - Surovell

Welfare (Social Services)

Passed

P HB94 Legal custodian; parties to a pending custody or visitation case; notice of adoption proceeding. Provides that a legal custodian of a child being placed for adoption, and any other named parties in pending cases in which the custody or visitation of such child is at issue, shall be entitled to proper notice of any adoption proceeding and an opportunity to be heard.

Patron - Collins

P HB287 Department of Social Services; 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 unfounded investigations of child abuse or neglect before purging.

Patron - Gooditis

P HB400 Fostering Futures program. Establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were in foster care as a minor and are transitioning to full adulthood and self-sufficiency.

Patron - Keam

P HB566 Eligibility for food stamps and TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department

of Social Services. The bill also provides that a person who is otherwise eligible to receive TANF benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. This bill incorporates HB 391, HB 786, HB 814, and HB 1130 and is identical to SB 124.

Patron - Guzman

P HB600 Family day homes; storage of firearms. Requires that during hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system be stored unloaded in a locked container, compartment, or cabinet, and that all ammunition be stored in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to all children in the home. This bill is identical to SB 593.

Patron - Hope

P HB637 Child support; reasonable cost of health care coverage. Modifies the definition of "reasonable cost" for purposes of health care coverage in child support arrangements by capping the maximum amount to five percent of the gross income of the parent responsible for providing health care coverage. Under current law, such costs are capped at five percent of the parents' combined gross income.

Patron - Samirah

P HB690 TANF; family cap. Repeals the prohibition on increasing the amount of Temporary Assistance for Needy Families (TANF) that a family receives upon the birth of a child during the period of TANF eligibility or during the period in which the family or adult recipient is ineligible for TANF benefits pursuant to a penalty imposed by the Commissioner of Social Services for failure to comply with benefit eligibility or child support requirements.

Patron - Aird

P HB778 Family assessments; timeline. Increases from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services and removes the local department's opportunity to request a 15-day extension. This bill is identical to SB 412.

Patron - Jones

P HB799 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 and reviewed by 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, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to SB 393.

Patron - Askew

P HB904 Child abuse and neglect reporting; public sports programs. Adds to the list of mandatory reporters of suspected child abuse and neglect athletic coaches, directors, and other persons 18 years of age or older that are employed by or volunteering with a public sports organization or team. Cur-

rent law applies only to such individuals involved with private sports organizations or teams.

Patron - Hayes

P HB933 Kinship Guardianship Assistance program; eligibility; fictive kin. Expands eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent. This bill incorporates HB 917 and is identical to SB 178.

Patron - Carroll Foy

P HB997 Child care providers; fingerprint-based criminal background checks; 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 due to its operation by a religious institution, 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. This bill is identical to SB 675.

Patron - Convors-Fowler

P HB1006 Human trafficking assessments by local departments. Changes the name of sex trafficking assessments to human trafficking assessments and allows local departments of social services conducting such human trafficking assessments to interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 706.

Patron - Herring

P HB1015 Virginia Sexual and Domestic Violence Prevention Fund; report. Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. This bill is identical to SB 297.

Patron - Herring

P HB1137 Temporary Assistance for Needy Families and Virginia Initiative for Education and Work; hardship exception. Requires the Department of Social Services to (i) keep records of the number of Virginia Initiative for Education and Work participants who receive an exception to the time limitations on Temporary Assistance for Needy Families benefits due to hardship and the specific circumstances relied

upon to grant such exceptions and (ii) annually publish non-identifying statistics regarding such information.

Patron - Lopez

P HB1209 Department of Social Services; Office of New Americans created. Establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth. This bill is identical to SB 991.

Patron - Tran

P HB1235 Religious-exempt child day centers; staff-to-children ratios. Provides that, with respect to a child day center that is exempt from licensure due to its operation under the auspices of a religious institution, the applicable staff-to-children ratio for children receiving care in a group shall be based on the age of the youngest child in such group. This bill is identical to SB 927.

Patron - Wilt

P HB1371 TANF; diversionary cash assistance. Imposes a minimum threshold of \$1,500 on Temporary Assistance for Needy Families (TANF) diversionary cash assistance. The bill provides that any person who receives TANF diversionary cash assistance waives his eligibility for TANF for the number of days for which assistance is granted multiplied by 1.33. The bill also requires the Board of Social Services to adopt regulations to enable TANF-eligible applicants meeting certain criteria to receive a TANF emergency assistance payment of up to \$1,500 to prevent eviction or to address needs resulting from a fire or natural disaster.

Patron - Bourne

P HB1410 Food stamps; Restaurant Meals Program. Directs the Department of Social Services to participate in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program (SNAP). The bill requires the Department to develop and implement a plan to begin such participation no later than January 1, 2021.

Patron - Roem

P HB1719 Commissioner of Social Services; work group; plan for licensure of prescribed pediatric extended care centers in the Commonwealth; report. Directs the Commissioner of Social Services to establish a work group to develop a plan for the licensure of prescribed pediatric extended care centers in the Commonwealth. The work group shall report the plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020.

Patron - McQuinn

P SB124 Eligibility for food stamps and TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department of Social Services. The bill also provides that a person who is otherwise eligible to receive TANF benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. This bill incorporates SB 155 and is identical to HB 566.

Patron - Locke

P SB156 Fostering Futures program. Establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were in foster care as a minor and are transitioning to full adulthood and self-sufficiency.

Patron - Favola

P SB178 Kinship Guardianship Assistance program; eligibility; fictive kin. Expands eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent. This bill is identical to HB 933.

Patron - Favola

P SB297 Virginia Sexual and Domestic Violence Prevention Fund; report. Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. This bill is identical to HB 1015.

Patron - Favola

P SB355 Assisted living facilities; audio-visual recording of residents. Directs the Board of Social Services (the Board) to convene a work group to make recommendations regarding adoption of regulations for audio-visual recording of residents in assisted living facilities. The work group shall report its recommendations to the Board and the General Assembly by December 1, 2020.

Patron - Cosgrove

P SB391 Adult abuse; financial exploitation; required report by financial institution. Requires financial institutions to report to the local department of social services or the adult protective services hotline within five business days any refusal to execute a transaction, delay of a transaction, or refusal to disburse funds based on a good faith belief that such transaction or disbursement may involve financial exploitation of an adult.

Patron - McPike

P SB393 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 and reviewed by 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, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to HB 799.

Patron - McPike

P SB412 Family assessments; timeline. Increases from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services and removes the local department's opportunity to request a 15-day extension. This bill is identical to HB 778.

Patron - Marsden

P SB472 Foster care; termination of parental rights; independent living needs assessments; supervisory spans of control. Requires local boards of social services and child-placing agencies, if the child has been in the custody of a local board or child-placing agency for 15 of the most recent 22 months and no petition for termination of parental rights has been filed with the court, to include in the petition for a permanency planning hearing the reasons why a petition to terminate parental rights has not been filed and the reasonable efforts made regarding reunification or transfer of custody to a relative. The bill requires that local boards and child-placing agencies provide information to birth parents regarding the parent's option to voluntarily terminate parental rights, and that the Commissioner of Social Services develop clear guidance documents regarding the manner in which such information should be relayed. The bill requires the Board of Social Services to promulgate regulations related to termination of parental rights, independent living needs assessments and plans, and reporting requirements for local boards and child-placing agencies. The bill requires the Commissioner to (i) provide training to local boards and child-placing agencies regarding common errors made related to termination of parental rights and (ii) establish a work group to assess the feasibility and costs of establishing supervisory spans of control for foster care supervisors. The work group shall report its findings by November 30, 2020.

Patron - Reeves

P SB593 Family day homes; storage of firearms. Requires that during hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system be stored unloaded in a locked container, compartment, or cabinet, and that all ammunition be stored in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to all children in the home. This bill is identical to HB 600.

Patron - Hanger

P SB668 Child care providers; out-of-state background checks. Requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check

and sex offender registry check in any state in which the applicant has resided in the preceding five years.

Patron - Boysko

P SB675 Child care providers; fingerprint-based criminal background checks; 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 due to its operation by a religious institution, 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. This bill is identical to HB 997.

Patron - Mason

P SB678 Department of Social Services; central registry; electronic requests and responses. Allows requests for and responses to searches of the central registry of founded complaints of child abuse and neglect maintained by the Department of Social Services to be sent electronically.

Patron - Mason

P SB686 Assisted living facilities; individualized service plans. Requires the Board of Social Services to amend its regulations governing assisted living facility individualized service plans to require (i) that individualized service plans be reviewed and updated (a) at least once every 12 months or (b) sooner if modifications to the plan are needed due to a significant change in the resident's condition and (ii) that any deviation from the individualized service plan be documented in writing or electronically, include a description of the circumstances warranting deviation and the date such deviation will occur, certify that notice of such deviation was provided to the resident or his legal representative, be included in the resident's file, and in the case of deviations that are made due to a significant change in the resident's condition, be signed by an authorized representative of the assisted living facility and the resident or his legal representative.

Patron - Mason

P SB695 Telemarketing; financial exploitation; agency communication. Directs the Attorney General to establish ongoing communication with the Department for Aging and Rehabilitative Services to ensure that adults 60 years of age or older or 18 years of age or older and incapacitated have access to information regarding the prevention of potential patterns of financial exploitation.

Patron - Obenshain

P SB706 Human trafficking assessments by local departments. Changes the name of sex trafficking assessments to human trafficking assessments and allows local departments of social services conducting such human trafficking assessments to interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel. This bill

is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1006.

Patron - Obenshain

P SB927 Religious-exempt child day centers; staff-to-children ratios. Provides that, with respect to a child day center that is exempt from licensure due to its operation under the auspices of a religious institution, the applicable staff-to-children ratio for children receiving care in a group shall be based on the age of the youngest child in such group. This bill is identical to HB 1235.

Patron - Hanger

P SB991 Department of Social Services; Office of New Americans created. Establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth. This bill is identical to HB 1209.

Patron - Hashmi

P SB1025 Kinship foster care; training and approval processes. Requires local boards of social services to request a waiver of training requirements necessary for the approval of a kinship foster parent upon determining that training requirements are a barrier to placement with the kinship foster parent and that such placement is in the child's best interest. The bill prohibits local boards from requiring that a child be removed from the physical custody of a kinship foster parent during such approval process, provided that placement with the kinship foster parent remains in the child's best interest. The bill requires the Department of Social Services to (i) develop a training program that is tailored to persons seeking approval as a kinship foster parent, (ii) develop a document that provides comprehensive information regarding kinship foster care, and (iii) provide training to local boards regarding the process through which a person may be approved as a kinship foster parent without requiring removal of the child from the physical custody of such person.

Patron - Dunnivant

Failed

F HB289 Child abuse; interviews. Requires that interviews of child victims of alleged sexual abuse be conducted as a forensic interview at the local child advocacy center in accordance with the center's protocol, unless a forensic interview is not appropriate based on the child's age and development or the center's protocol. The bill allows such interviews to be conducted at a nearby child advocacy center if no child

advocacy center exists in the locality where the alleged abuse occurred.

Patron - Gooditis

F HB371 Adoption by stepparent; background check. Repeals the July 1, 2020, sunset on provisions that require a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent.

Patron - Bell

F HB391 Eligibility for food stamps; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, a person otherwise eligible to receive food stamp benefits shall not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and fulfills any other obligations as determined by the Department of Social Services. This bill was incorporated into HB 566.

Patron - Scott

F HB580 Child abuse and neglect; gender identity or sexual orientation. Expands the definition of "abused or neglected child" to include any child whose parents, or other person responsible for his care, create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury on the basis of the child's gender identity or sexual orientation.

Patron - Guzman

F HB786 Eligibility for food stamps; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, a person otherwise eligible to receive food stamp benefits shall not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and fulfills any other obligations as determined by the Department of Social Services.

Patron - Bagby

F HB809 Child abuse and neglect; valid report or complaint; alleged abuser. Requires a local department of social services to conduct an investigation or family assessment when, among other things, a report or complaint of child abuse or neglect is received in which the alleged abuser (i) is the child's relative by blood, marriage, or adoption; (ii) is the child's caretaker or has supervisory control over such child; or (iii) resides or is regularly present in the same household as the child. The bill also amends the definition of "abused or neglected child" to accommodate this directive. Under current law, local departments are only required to conduct an investigation or family assessment when the alleged abuser is the child's parent or other caretaker.

Patron - Delaney

F HB814 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 such assistance solely because he has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department of Social Services.

Patron - Ward

F HB867 Shelters for victims of domestic violence; population served. Provides that a shelter for victims of domestic violence may be established for the purpose of providing services to individuals of a single sex and may exclude individuals who are not of that sex from the registered shelter.

Patron - Freitas

F HB917 Kinship Guardianship Assistance program; eligibility; fictive kin. Expands eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent. This bill was incorporated into HB 933.

Patron - Brewer

F HB920 State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children in foster care. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also expands eligibility for the Federal-Funded Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they have been the foster parent.

Patron - Brewer

F HB1051 Child-placing agencies; conscience clause; discrimination. Repeals provisions that allowed child-placing agencies to refuse to perform, assist with, counsel, recommend, consent to, refer, or participate in any child placements when the proposed placement would violate the agency's written religious or moral convictions or policies. The bill also prohibits the Department of Social Services from contracting with or providing funds, directly or indirectly, to any child-placing agency that, in making decisions regarding the placement of a child, discriminates against the child or otherwise eligible prospective foster or adoptive parents on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, or status as a veteran.

Patron - Levine

F HB1130 TANF eligibility; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance due solely to a conviction of a felony offense of possession of a controlled substance under § 18.2-250, provided he complies with all obligations imposed by the court and the Department of Social Services and is actively engaged in or has completed a substance abuse treatment program.

Patron - Lopez

F HB1214 Family day homes; licensure threshold. Reduces from five to three the number of children for whom a

family day home must obtain a license to provide child care services.

Patron - Simonds

F HB1286 Group homes and children's residential facilities; limit on number of license applications. Prohibits applicants for licensure as a group home or children's residential facility from reapplying for a license for a period of two years after such applicant has been refused a license three times.

Patron - Murphy

F HB1477 Application for public assistance; eligibility; review of records. Requires entities processing applications for medical assistance and other public assistance to conduct a review of death records and records relating to the applicant's incarceration status, employment status, and income to determine whether the applicant is eligible for assistance.

Patron - LaRock

F HB1483 Department of Housing and Community Development; Percentage of Income Payment Program. Creates the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent or, if the participant's home uses electric heat, 10 percent, of the participant's household income. The bill sets forth eligibility criteria for participation in PIPP, establishes the PIPP Fund to pay electric utility providers the balance of low-income participants' accounts and to fund energy efficiency and weatherization initiatives, and provides directives to the Department of Housing and Community Development regarding the administration of PIPP. The bill repeals the energy assistance and weatherization pilot program operated by all Phase I and II Utilities for low-income, elderly, and disabled individuals.

Patron - Bagby

F HB1662 Adoption by stepparent; background check. Repeals the July 1, 2020, sunset on provisions that require a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent.

Patron - Sickles

F SB117 Family day homes; licensure threshold. Reduces from five to three the number of children for whom a family day home must obtain a license to provide child care services.

Patron - Favola

F SB155 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 such assistance solely because he has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department of Social Services. This bill was incorporated into SB 124.

Patron - Favola

F SB187 TANF; time limitations. Removes the time limitations on Temporary Assistance for Needy Families

(TANF) that limited Virginia Initiative for Education and Work (VIEW) participants to receiving TANF for a maximum of 24 consecutive months. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Favola

F SB425 Assisted living facilities; audio-visual recording of residents. Directs the Board of Social Services (the Board) to promulgate regulations by July 1, 2021, governing audio-visual recording of residents in assisted living facilities and requires the Department of Social Services to convene a work group of stakeholders to make recommendations on such regulations. The work group shall report its recommendations to the Board and the General Assembly by December 1, 2020.

Patron - DeSteph

F SB501 Adoption and foster care; persons authorized to conduct home studies. Allows home studies for purposes of adoption or foster care placements to be conducted by any person who has completed the home study training program established by regulations of the Board of Social Services. Under current law, such home studies must be conducted by a local board of social services or licensed child-placing agency.

Patron - Reeves

F SB570 State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children in foster care. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also expands eligibility for the Federal-Funded Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they have been the foster parent. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Mason

F SB599 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 - Hanger

F SB715 TANF; feminine hygiene products. Requires the Board of Social Services to provide monthly payments for menstrual supplies in the amount of \$10 to each female who is at least 10 years of age but not older than 55 years of age and is considered part of the Temporary Assistance for Needy Families (TANF) public assistance unit. The bill also allows such payments to be made to females who are younger than 10 years of age or older than 55 years of age upon written certification by a licensed physician that the female has a need for menstrual supplies. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - McClellan

F SB937 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, beginning in 2020, 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 - Surovell

Carried Over

HB1658 Adult protective services; central registry. Creates a central registry of founded complaints of adult abuse, neglect, and exploitation to be maintained by the 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 - Head

SB502 Department of Social Services; child support enforcement; distribution of support payments. Requires the Department of Social Services, in cases in which the Department receives child support payments, to enter into an agreement with the obligee that shall include information regarding the Department's duty to disburse support payments to the obligee and establish a date by which such disbursements shall be made each month. The bill requires the Department, if it does not receive a support payment at least two days before the date scheduled for disbursement, to issue to the obligee a payment in the amount that would have been distributed had the obligor's support payment been timely received.

Patron - Reeves

Wills, Trusts, and Fiduciaries

Passed

HB1166 Accounts filed by fiduciaries and reports filed by guardians; civil penalty. Provides that any account filed by a fiduciary with the commissioner of accounts and annual report filed by a guardian with the local department of social services shall be signed under oath and that the punishment for making a false statement or entry in such a filing is a civil penalty of not more than \$500. This bill is identical to SB 261.

Patron - Wampler

HB1380 Uniform Directed Trust Act. Codifies the Uniform Directed Trust Act, which expressly validates terms of a trust that provide for a trust director, a term that is defined

in the Act, and prescribes a set of rules for directed trusts, including allocation of fiduciary duties.

Patron - Leftwich

HB1411 Fiduciaries; good faith reliance on certificate of qualification. Provides that any individual or entity conducting business in good faith with a personal representative who presents a currently effective certificate of qualification may presume that the personal representative is properly authorized to act as to any matter or transaction. The bill further provides that if such individual or entity refuses to accept a certificate of qualification for a personal representative or a guardian or conservator who has been appointed for an incapacitated person, such individual or entity is subject to (i) a court order mandating acceptance of the certificate of qualification and (ii) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the certificate of qualification or mandates acceptance of the certificate of qualification. The bill further provides that any individual or entity shall either accept or reject a certificate of qualification of such personal representative or such guardian or conservator no later than seven business days after presentation of such certificate. The bill specifies certain circumstances under which an individual or entity is not required to accept such a certificate for a transaction.

Patron - Leftwich

SB214 Guardianship; review of Individualized Education Plan. Provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court.

Patron - Suetterlein

SB261 Accounts filed by fiduciaries and reports filed by guardians; civil penalty. Provides that any account filed by a fiduciary with the commissioner of accounts and annual report filed by a guardian with the local department of social services shall be signed under oath and that the punishment for making a false statement or entry in such a filing is a civil penalty of not more than \$500. This bill incorporates SB 308 and is identical to HB 1166.

Patron - Chafin

SB585 Guardianship for incapacitated persons. Provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court and requires the Superintendent of Public Instruction to make available transitional materials prepared by the Department of Education that include information about powers of attorney and guardianship to be provided to students and parents during the student's annual IEP meeting. The bill also requires the guardian ad litem to consider whether a less restrictive alternative, including the use of an advance directive or durable power of attorney, is available to provide assistance to the respondent.

The bill requires the court, upon appointment of a guardian or conservator, to inform such person of his duties and that the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights. The bill sets out specific language to be included in all orders of appointment of a guardian.

Finally, the bill requires the Department of Behavioral Health and Developmental Services to convene a group of stakeholders to study the use of supported decision-making agreements. As introduced, the bill was a recommendation of the Joint Commission on Health Care.

Patron - Dunnivant

P SB700 Indexing of wills. Provides that, at the time of qualification of an executor, every will shall be indexed in the name of the decedent and such executor.

Patron - Obenshain

P SB1072 Prohibition against appointing certain persons as guardian or conservator. Prohibits, except for good cause shown, the court from appointing as guardian or conservator for the respondent an attorney who has been engaged by the petitioner to represent the petitioner within three calendar years of the appointment. The bill also applies such prohibition to other attorneys and employees of the law firm with which such attorney is associated. The bill further provides that, in the case of a petitioner that is a medical care facility, the court may, for good cause shown, order that the reasonable costs for the guardian or conservator be paid by the petitioner during the time the respondent is under the care of such medical care facility.

Patron - Mason

Failed

F HB331 Definition of incapacitated person; particular diagnosis. Specifies that a particular diagnosis shall not alone be sufficient evidence that an individual is an incapacitated person within the meaning of the definition of incapacitated person.

Patron - Hope

F HB841 Guardianship; appointment of counsel for respondent; presence of respondent at hearings and proceedings; proceedings initiated in bad faith. Provides that a court shall appoint counsel for a respondent upon the filing of a petition seeking guardianship if the respondent is not represented by counsel. Under current law, court appointment of counsel is discretionary. The bill further provides that, except for good cause shown, a respondent shall be present at a hearing and given an opportunity to be heard on a petition to appoint a guardian and at all other stages of the guardianship proceedings. Under current law, the respondent shall be present if he requests to be present or if his presence is requested by the guardian ad litem. The bill further provides that a court shall require a petitioner to pay or reimburse the respondent's costs and fees if the court finds that the petitioner initiated a guardianship proceeding in bad faith or not for the benefit of the respondent and prohibits a petitioner from initiating any other guardianship or conservatorship proceeding. Under current law, payment or reimbursement is discretionary. The bill further requires that a petitioner certify in the petition for appointment as guardian, conservator, or both that he has notified certain relatives of the respondent of his intent to petition the court to act as such guardian, conservator, or both, and that such relatives have waived their right to serve in such a capacity and instead designate such petitioner to serve in such a capacity.

Patron - Murphy

F HB862 Guardianship; communication between close relatives and friends of incapacitated persons; restricted communication procedures; notification of close relatives and friends. Provides that a guardian may restrict an incapacitated person's ability to communicate with, visit, or

interact with close relatives, as defined in the bill, and friends, as defined in the bill, only when necessary to prevent a reasonable expectation of serious physical or psychological harm or serious financial exploitation occurring to the incapacitated person. The bill further sets up a procedure by which a person whose visits, communication with, or interaction with an incapacitated person have been restricted may challenge such restriction in court and a procedure by which a guardian may petition the court to restrict an incapacitated person's communication, visitation, and interaction rights with a close relative or friend. The bill provides that the court may restrict an incapacitated person's communication, visitation, and interaction rights with such person when it finds by clear and convincing evidence that serious physical or psychological harm or serious financial exploitation would reasonably be expected to occur to such incapacitated person from such communication, visitation, or interaction. The bill allows the court to require a guardian found to have imposed restrictions or 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 guardianship appointment. The bill requires the guardian to notify close relatives and friends of the incapacitated person of certain life events of the incapacitated person, unless the guardian is notified in writing that any such close relative or friend does not wish to be notified or if there exists between such close relative or friend and the incapacitated person a protective order or court order otherwise prohibiting contact.

Patron - Levine

F SB308 Accounts filed by fiduciaries and reports filed by guardians; perjury; penalty. Provides that any account filed by a fiduciary with the commissioner of accounts and annual report filed by a guardian with the local department of social services shall be signed under oath under penalty of perjury, the punishment for which is a Class 5 felony. This bill is a recommendation of the Virginia Criminal Justice Conference. This bill was incorporated into SB 261.

Patron - Stanley

F SB697 Execution of wills; witnesses. Requires the witnesses to a will to be disinterested, a term defined in the bill.

Patron - Obenshain

Carried Over

C HB96 Power of attorney; witness or notary public. Requires that a power of attorney signed on or after July 1, 2020, be signed before at least one witness or a notary public.

Patron - Miyares

C HB304 Guardianship and conservatorship petitions; identifying characteristics of the respondent. Adds certain identifying characteristics of the respondent to the content requirements of a petition for the appointment of a guardian, a conservator, or both if such petition contains a statement that the respondent is a threat of harm to himself or others. The bill further requires that such identifying characteristics be included in the information sent to the Criminal Records Exchange by the clerk if such a statement is included in the petition.

Patron - Hope

C HB384 Presumption of death; confessions or convictions of murder. Provides that any person who is a resident of the Commonwealth shall be presumed dead if such person has disappeared, his body has not been found, he is not known

to be alive, and an individual has confessed to such person's murder under oath or has been convicted of such murder. The bill further exempts such persons from the notice and hearing requirements otherwise required for the court to enter an order determining that the presumed decedent is in fact dead.

Patron - Convors-Fowler

C HB1321 Guardianship; supported decision making. Creates the Supported Decision-Making Act, which allows an adult with an intellectual or developmental disability to enter into an agreement with another person, called a "supporter," for the purposes of having the supporter assist the adult in making decisions to manage his affairs, giving adults who need assistance a less restrictive means of receiving such assistance than being appointed a guardian or conservator by a court. The bill further requires a guardian ad litem in a proceeding for the appointment of a guardian or conservator to consider whether a less restrictive alternative, including the use of an advance directive or durable power of attorney, is available to provide assistance to the respondent, and it requires the guardian ad litem to include in his report to the court information as to whether a supported decision-making agreement is a viable option in lieu of guardianship or conservatorship. The bill also provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court, and it requires the Superintendent of Public Instruction to prepare transitional materials, including information about supported decision-making agreements and guardianship to be provided to students and parents during the student's annual IEP meeting. The bill requires the court, upon appointment of a guardian or conservator, to inform such person of his duties and that the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights. Finally, the bill sets out specific language to be included in all orders of appointment of a guardian. This bill is a recommendation of the Joint Commission on Health Care.

Patron - Kory

C HB1579 Presumption of death; missing person report. Provides that a person who is a resident of the Commonwealth shall be presumed dead if such person disappears for two successive years, his body has not been found, he is not known to be alive, and a missing person report has been issued for him by a local law-enforcement agency.

Patron - Jenkins

C SB352 Guardianship and conservatorship; supported decision-making alternative. Requires a guardian ad litem in a proceeding for the appointment of a guardian or conservator to include in his report to the court information as to whether a supported decision-making agreement, as defined in the bill, is a viable option in lieu of guardianship or conservatorship.

Patron - Lucas

C SB1042 Wills; presumption of undue influence. Codifies the common law test for establishing undue influence upon a testator in the execution of a will. The bill further provides that if evidence is presented to establish the elements required for such a presumption, a jury sitting as trier of fact shall be instructed that it may presume that the will was executed under undue influence.

Patron - Obenshain

Workers' Compensation

Passed

P HB46 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 or a third party. If the employer is unable to make such a determination because it lacks sufficient information from the employee or a third party, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons. The bill provides that an employer may, if the employee consents, send any such required response to the employee by email.

Patron - Carter

P HB169 Workers' compensation; occupational disease presumption; correctional officers. 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 certain infectious diseases are compensable occupational diseases.

Patron - Tyler

P HB438 Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters. Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involving an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation. Other conditions for compensability include (a) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (b) if the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (c) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (d) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure also establishes requirements for resilience and self-care technique training. This bill is identical to SB 561. This bill received Governor's recommendations.

Patron - Heretick

P HB617 Workers' compensation; repetitive motion injuries. Directs the Virginia Workers' Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the Virginia workers' compensation system.

Patron - Guzman

P HB783 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 or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. 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 also reduces the number of years of service needed to qualify for the presumption from 12 to five for various types of cancer. For hypertension or heart disease, the bill adds a requirement that an individual complete five years of service in their position in order to qualify. This bill is identical to SB 9.

Patron - Askew

P HB1558 Workers' compensation; Ombudsman program. Authorizes the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program. The program's purpose is to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission.

Patron - Kilgore

P SB9 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 or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. 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 also reduces the number of years of service needed to qualify for the presumption from 12 to five for various types of cancer. For hypertension or heart disease, the bill adds a requirement that an individual complete five years of service in his position in order to qualify. This bill incorporates SB 58, SB 381, and SB 531 and is identical to HB 783.

Patron - Saslaw

P SB345 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 certain infectious diseases are compensable occupational diseases. The presumption does not apply to correctional officers and full-time sworn members of the enforcement division of the Department of Motor Vehicles who were diagnosed with such infectious diseases before July 1, 2020.

Patron - Bell

P SB561 Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters. Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involv-

ing an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation. Other conditions for compensability include (a) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (b) if the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (c) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (d) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure also establishes requirements for resilience and self-care technique training. The bill incorporates SB 741 and SB 924 and is identical to HB 438. This bill received Governor's recommendations.

Patron - Vogel

Failed

F HB44 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 or 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.

Patron - Brewer

F HB45 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

F HB47 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

F HB52 Workers' compensation; occupational disease presumption; emergency medical technicians. Establishes a presumption that hypertension or heart disease causing the death or disability of full-time salaried emergency medical technicians employed by the City of Virginia Beach is an occupational disease compensable under the Virginia Workers' Compensation Act.

Patron - Knight

F HB121 Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, and 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.

Patron - Carroll Foy

F HB649 Workers' compensation; occupational disease presumption; police dispatchers. Establishes a presumption that hypertension or heart disease causing the death or disability of full-time salaried police dispatchers is an occupational disease compensable under the Virginia Workers' Compensation Act.

Patron - Campbell, R.R.

F HB733 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.

Patron - Reid

F HB1536 Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, and 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.

Patron - Wyatt

F HB1596 Workers' compensation; psychological injuries. Provides that an employee who suffers a psychological injury from sudden shock and fright that arises out of and in the course of any employment shall have a compensable claim under the Virginia Workers' Compensation Act regardless of whether the incident that caused the sudden shock and fright is either a normal or expected part of the employee's work.

Patron - Murphy

F HB1610 Employment health and safety standards; heat illness prevention. Requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness while engaged in outdoor work. The measure directs the standards to require employers to provide water, shade, 10-minute rest periods, training, observation or monitoring, and emergency response procedures and to adopt and maintain a heat illness prevention plan.

Patron - Mugler

F SB58 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 or 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. This bill was incorporated into SB 9.

Patron - Cosgrove

F SB227 Virginia Workers' Compensation Commission; fee schedules. Requires the Virginia Workers' Compensation Commission to review and adjust the Virginia fee schedules annually. Under current law, such review is required biennially. The bill also requires the Commission, in its review conducted in 2020, to adjust the fee schedules to reflect the inflation or deflation for the years 2016, 2017, 2018, and 2020.

Patron - Spruill

F SB265 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 presumptions that hypertension, heart disease, and certain infectious diseases are occupational diseases compensable under the Virginia Workers' Compensation Act.

Patron - Bell

F SB381 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 also incorporates some of the recommendations of the 2019 study of the workers' compensation system and disease presumptions conducted by the Joint Legislative Audit and Review Commission by (i) reducing the required number of years of service from 12 to five; (ii) removing the requirement that the employee's years of service be continuous; and (iii) providing that an eligible employee may meet the toxic exposure requirement by demonstrating either exposure to a toxic substance, as is currently required, or participation in responses to fire scenes, either during the fire or afterward as part of clean-up or investigation. The measure also removes the definition of a "toxic substance" as one that is a known or suspected carcinogen as defined by the International Agency for Research on Cancer. This bill was incorporated into SB 9.

Patron - McPike

F SB531 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 measure also removes the definition of a toxic substance as a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, that causes or is suspected to cause specific types of cancers for which the presumption of compensability exists. This bill was incorporated into SB 9.

Patron - Vogel

F SB741 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. This bill was incorporated into SB 561.

Patron - McPike

[F] SB924 Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters. Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training.

Patron - Cosgrove

Carried Over

[C] HB1542 Workers' compensation; occupational disease presumption; Department of Motor Vehicles officers. Establishes a presumption that hypertension or heart disease causing the death or disability of a full-time sworn member of the enforcement division of the Department of Motor Vehicles is an occupational disease compensable under the Workers' Compensation Act.

Patron - Convirs-Fowler

Constitutional Amendments

Passed

[P] HB784 Constitutional amendment (voter referendum); apportionment; Virginia Redistricting Commission. Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020.

Patron - VanValkenburg

[P] HB1268 Constitutional amendment (voter referendum); personal property tax exemption; motor vehicle owned by a veteran who is disabled. Provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has a 100 percent service-connected, permanent, and total disability.

Patron - Helmer

[P] HJ103 Constitutional amendment (second resolution); personal property tax exemption; motor vehicle owned by 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 - Helmer

[P] SB236 Constitutional amendment (voter referendum); apportionment; Virginia Redistricting Commission. Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. This bill incorporates SB 358 and SB 974.

Patron - Barker

[P] SJ18 Constitutional amendment (second 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, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the

Supreme Court of Virginia if such efforts fail. This resolution incorporates SJ 12 and SJ 70.

Patron - Barker

Failed

F HB14 **Constitutional amendment (voter referendum); reapportionment; technical adjustments permitted.** Provides for a referendum at the November 3, 2020, election to approve or reject an amendment that would allow the General Assembly to make technical adjustments to legislative election district boundaries in the period between decennial reapportionments, provided that the adjustment's sole purpose is to align legislative election district boundaries with the boundaries of voting precincts established in counties and cities.

Patron - Cole, M.L.

F HB380 **Constitutional amendment (voter referendum); apportionment; Virginia Redistricting Commission.** Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020.

Patron - Cole, M.L.

F HJ3 **Constitutional amendment (second 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, M.L.

F HJ34 **Constitutional amendment (second 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, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail.

Patron - Cole, M.L.

F HJ71 **Constitutional amendment (second 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, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail.

Patron - VanValkenburg

F SB358 **Constitutional amendment (voter referendum); apportionment; Virginia Redistricting Commission.** Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. This bill was incorporated into SB 236.

Patron - Cosgrove

F SB974 **Constitutional amendment (voter referendum); apportionment; Virginia Redistricting Commission.** Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. This bill was incorporated into SB 236.

Patron - Hanger

F SJ12 **Constitutional amendment (second 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, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. This resolution was incorporated into SJ 18.

Patron - Cosgrove

[F] SJ29 Constitutional amendment (first resolution); election of the Governor, Lieutenant Governor, and Attorney General. Changes the method of election for the Governor, and by reference, the Lieutenant Governor and Attorney General. The candidate receiving the highest number of votes in a majority of each of the congressional districts shall be declared elected. Under current law, the person receiving the highest number of votes statewide is declared elected. Ties in the number of votes in a given congressional district or in the number of congressional districts won are determined by a majority vote of the General Assembly.

Patron - Chase

[F] SJ33 Constitutional amendment (second resolution); personal property tax exemption; motor vehicle owned by 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

[F] SJ70 Constitutional amendment (second 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, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. This resolution was incorporated into SJ 18.

Patron - Hanger

[F] SJ87 Constitutional amendment (first resolution); immunity of legislators. Limits the immunity of legislators by allowing the arrest of a member of the General Assembly during the sessions of the respective houses upon issuance of process for arrest by a judge with authorization of the attorney for the Commonwealth or the law-enforcement agency having jurisdiction over the offense.

Patron - Reeves

Carried Over

[C] HJ2 Constitutional amendment (first resolution); real property tax exemption; affordable housing. Provides that the General Assembly may authorize a locality to fully or partially exempt affordable housing, as such term may be defined by statute, from real property taxation.

Patron - Bourne

[C] HJ80 Constitutional amendment (first resolution); qualifications of voters; restoration of civil rights by general law. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor, and the amendment retains this right.

Patron - Carroll Foy

[C] HJ86 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

[C] HJ113 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 - Sickles

C HJ143 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 either of those political parties. The Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate then strike names from the list until a final list of 10 Commission members is reached consisting of three members who affiliate with the political party receiving the highest number of votes for Governor at the immediately preceding gubernatorial election, three members who affiliate with the political party receiving the next highest number of votes for Governor at the immediately preceding gubernatorial election, and four members who do not affiliate with either of those political parties. Final approval or adoption of a redistricting plan requires an affirmative vote of seven of the 10 Commission members, including at least one vote from each of the political parties represented. The amendment also contains criteria to which the Commission is required to adhere when drawing the legislative and congressional districts, including a criterion of fairness, and imposes certain requirements on the Commission's activities to ensure accessibility by the public.

Patron - Levine

C SB446 Constitutional amendment (voter referendum); personal property tax exemption; motor vehicle owned by a veteran who is disabled. Provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has a 100 percent service-connected, permanent, and total disability.

Patron - Reeves

C SJ2 Constitutional amendment (first resolution); personal reproductive liberty. Amends the Constitution of Virginia by adding a section establishing the individual right to personal reproductive autonomy. The amendment prohibits the denial or infringement upon this right unless justified by a compelling interest of the Commonwealth and achieved by the least restrictive means.

Patron - Saslaw

C SJ3 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

C SJ6 Constitutional amendment (first resolution); Governor's term of office. Permits a Governor elected in 2025 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

C SJ7 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

C SJ8 Constitutional amendment (first resolution); qualifications of voters and the right to vote. Establishes that the only 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

C **SJ11** **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

C **SJ14** **Constitutional amendment (first resolution); qualifications of voters; restoration of civil rights by general law.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of a felony. The present Constitution provides for restoration of rights by the Governor, and the amendment retains this right.

Patron - Deeds

C **SJ16** **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 2024 Regular Session of the General Assembly.

Patron - Chase

C **SJ19** **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

C **SJ58** **Constitutional amendment (second resolution); personal property tax exemption; motor vehicle owned by 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 - Morrissey

C **SJ59** **Constitutional amendment (first resolution); qualifications of voters; automatic restoration of civil rights.** Provides for the automatic restoration of civil rights for persons convicted of felonies upon completion of their sentences. The present Constitution provides for restoration of rights by the Governor, and the amendment retains this right.

Patron - Morrissey

C **SJ63** **Constitutional amendment (first resolution); uniform schedule of elections for members of the General Assembly and statewide offices.** Provides for a uniform schedule for general elections of Governor, Lieutenant Governor, Attorney General, and General Assembly members that coincides with federal elections held in November of even-numbered years. The amendment requires the General Assembly to provide by law for the transition to the uniform schedule, and provides that members of the Senate elected in 2023 will serve a term of five years, members of the House of Delegates elected in 2025 will serve a term of three years, and the Govern-

nor, and by reference the Lieutenant Governor and Attorney General, elected in 2025 will serve a term of three years.

Patron - Ebbin

C **SJ75** **Constitutional amendment (first resolution); public schools in the Commonwealth; equal educational opportunities.** Requires the General Assembly to provide for a system of public schools in the Commonwealth with equal educational opportunities for all children and to ensure that all school age children are provided with equal educational opportunities.

Patron - Stanley

Other Resolutions

Passed

P **HJ1** **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

P **HJ21** **Women's Equality Day.** Designates August 26, in 2020 and in each succeeding year, as Women's Equality Day in Virginia.

Patron - Kory

P **HJ25** **Coal dust blown from moving trains; report.** Requests certain railroad companies to make available to the General Assembly, at least annually, information on actions and activities likely to have an impact on coal dust blown from moving trains in the Commonwealth.

Patron - Lindsey

P **HJ42** **Emblem for honoring fallen public safety personnel; the Honor and Sacrifice Flag.** Designates the Honor and Sacrifice Flag as the Commonwealth's emblem for honoring the brave men and women who have given their lives for public safety. This resolution is identical to SJ 31.

Patron - Heretick

P **HJ50** **Radiologic Technology Week.** Designates the week of November 8, in 2020 and in each succeeding year, as Radiologic Technology Week in Virginia.

Patron - Hope

P **HJ72** **Oliver White Hill, Sr., Day.** Designates May 1, in 2020 and in each succeeding year, as Oliver White Hill, Sr., Day in Virginia.

Patron - Bagby

P **HJ85** **Transgender Day of Remembrance.** Designates November 20, in 2020 and in each succeeding year, as Transgender Day of Remembrance in Virginia.

Patron - Roem

P **HJ90** **Commemorating the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States.** Commemorates the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States. This resolution is a recom-

mendment of the Dr. Martin Luther King, Jr. Memorial Commission.

Patron - Carr

P HJ91 Affirming the Commonwealth's commitment to diversity and safeguarding the civil rights and dignity of all Virginians. Affirms the state's commitment to diversity and safeguarding the civil rights and dignity of all Virginians.

Patron - Lopez

P HJ104 National Prosthodontics Awareness Week. Designates April 19-25 in 2020 and the final full week in April in each succeeding year, as National Prosthodontics Awareness Week in Virginia. This resolution is identical to SJ 80.

Patron - Roem

P HJ108 Year of the Eye Exam. Designates 2020 as the Year of the Eye Exam in Virginia.

Patron - Robinson

P HJ111 Maternal Health Awareness Month. Designates July, in 2020 and in each succeeding year, as Maternal Health Awareness Month in Virginia. This bill incorporates HJ 74.

Patron - Price

P HJ148 Indian American Heritage Month. Designates August, in 2020 and in each succeeding year, as Indian American Heritage Month in Virginia.

Patron - Bulova

P SJ1 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.

Patron - McClellan

P SJ31 Emblem for honoring fallen public safety personnel; the Honor and Sacrifice Flag. Designates the Honor and Sacrifice Flag as the Commonwealth's emblem for honoring the brave men and women who have given their lives for public safety. This resolution is identical to HJ 42.

Patron - Cosgrove

P SJ45 Confirming Governor's appointments; June 1. Confirms appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly June 1, 2019.

Patron - Deeds

P SJ46 Confirming Governor's appointments; December 1. Confirms appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly December 1, 2019.

Patron - Deeds

P SJ51 World Prematurity Month; World Prematurity Day. Designates November, in 2020 and in each succeeding year, as World Prematurity Month and November 17, in 2020 and in each succeeding year, as World Prematurity Day in Virginia.

Patron - McClellan

P SJ55 Commemorating the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States. Commemorates the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States. This resolution is a recom-

mendment of the Dr. Martin Luther King, Jr. Memorial Commission.

Patron - McClellan

P SJ60 Nuclear Energy Research and Technology. Encourages the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy.

Patron - Peake

P SJ68 Puppy Mill Awareness Month. Designates December, in 2020 and in each succeeding year, as Puppy Mill Awareness Month in Virginia.

Patron - Lewis

P SJ71 Confirming the appointment of the Director of the Department of Game and Inland Fisheries. Confirms the appointment of Ryan Brown as the Director of the Department of Game and Inland Fisheries.

Patron - Deeds

P SJ78 Commemorating the 150th anniversary of the swearing in of the first African American legislators to serve in the General Assembly. Commemorates the 150th anniversary of the swearing in of the first African American legislators to serve in the General Assembly and recognizes the individual legislators who served in the House of Delegates and the Senate.

Patron - McClellan

P SJ89 Confirming appointments by the Senate Committee on Rules. Confirms appointments made by the Senate Committee on Rules to the Virginia Commonwealth University Health System Authority Board of Directors.

Patron - Locke

P SR3 Recognizing that the Virginia Beach Tragedy Fund is performing an essential government service with respect to the Virginia Beach mass shooting. States that the Senate of Virginia recognizes that the Virginia Beach Tragedy Fund, which is administered by United Way of South Hampton Roads in cooperation with the City of Virginia Beach, is performing an essential government service with respect to the Virginia Beach mass shooting.

Patron - DeSteph

P SR7 James Solomon Russell Day. Designates March 28, in 2020 and in each succeeding year, as James Solomon Russell Day in Virginia.

Patron - Lucas

Failed

F HJ19 Memorializing the United States Congress to enact the Virginia Beach Strong Act. Urges the United States Congress to enact the Virginia Beach Strong Act and to enact any other legislation necessary to resolve the tax consequences of donations and distributions related to the Virginia Beach mass shooting.

Patron - Knight

F HJ24 Counting of incarcerated persons by the United States Bureau of the Census for redistricting purposes. Expresses the sense of the General Assembly that the United States Bureau of the Census should provide redistricting data that counts incarcerated persons in a manner consistent with the principles of "one person, one vote." Such redistricting data should count incarcerated individuals at their

addresses of residence, rather than the address of the prison, during the 2020 and all future decennial censuses.

Patron - Cole, J.G.

[F] HJ45 U.S. Constitution; application for a convention of the states. Makes application to Congress to call a convention of the states to propose amendments to the United States Constitution that impose fiscal restraints on the federal government and limit the power and jurisdiction of the federal government.

Patron - Campbell, R.R.

[F] HJ58 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

[F] HJ61 Opposing the exploration and drilling for oil and gas off the coast of Virginia. Expresses the sense of the General Assembly in recognizing the problem of exploration and drilling for oil and gas off the coast of Virginia.

Patron - Keam

[F] HJ74 Maternal Health Awareness Month. Designates February, in 2020 and in each succeeding year, as Maternal Health Awareness Month in Virginia. This bill was incorporated into HJ 111.

Patron - Ward

[F] HJ87 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] HJ93 Bust of Oliver White Hill, Sr. Requests the Governor to direct that a bust of Oliver White Hill, Sr., be made and displayed in the Old House Chamber of the Virginia State Capitol.

Patron - Lopez

[F] HJ136 Recognizing that global warming caused by human activity has resulted in a climate and ecological emergency. Expresses the sense of the General Assembly in recognizing that global warming caused by human activity that increases emissions of greenhouse gases has resulted in a climate and ecological emergency.

Patron - Guzman

[F] HJ137 Memorializing Congress; deported veterans of the United States Armed Forces; medical treatment and other benefits. Urges the Congress of the United States to enact legislation to provide medical treatment and other benefits for deported veterans of the United States Armed Forces.

Patron - Guzman

[F] HJ147 Jamestown-Yorktown Foundation; commemoration of the American Revolution. Designates the Jamestown-Yorktown Foundation as the official executive branch agency to assist the Commonwealth in establishing planning systems for commemorating the 250th anniversary of the American Revolution and the independence of the United States of America.

Patron - Plum

[F] HR2 Recognizing that the Virginia Beach Tragedy Fund is performing an essential government service with

respect to the Virginia Beach mass shooting. States that the House of Delegates recognizes that the Virginia Beach Tragedy Fund, which is administered by United Way of South Hampton Roads in cooperation with the City of Virginia Beach, is performing an essential government service with respect to the Virginia Beach mass shooting.

Patron - Knight

[F] HR6 Day of Women. Recognizes January 22 of each year as the Day of Women in Virginia and provides that January 22 of each year no longer be known as the Day of Tears in Virginia.

Patron - Convirs-Fowler

[F] HR9 Major League Baseball; continuity with minor league teams. Encourages Major League Baseball to maintain affiliation with all current Minor League Baseball teams in the 2020 Professional Baseball Agreement.

Patron - Rush

[F] HR13 Division I college football playoff tournament. Encourages the College Football Playoff to establish an eight-team playoff tournament for National Collegiate Athletic Association Division I college football.

Patron - Rush

[F] SJ5 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

[F] SJ26 Memorializing Congress; improvement of privatized housing for families living on military bases. Urges the Congress of the United States to address substandard housing conditions for families living on military bases through increased funding and holding the owners of privatized housing accountable.

Patron - Kiggans

[F] SJ56 Offshore oil and gas drilling. Recognizes opposition to exploration and drilling for oil and gas off the coast of Virginia.

Patron - Lewis

[F] SJ74 Jamestown-Yorktown Foundation; commemoration of the American Revolution. Designates the Jamestown-Yorktown Foundation as the official executive branch agency to assist the Commonwealth in establishing planning systems for commemorating the 250th anniversary of the American Revolution and the independence of the United States of America.

Patron - Howell

Miscellaneous (Including Budget and Bonds)

Passed

P HB29 Budget Bill. Amends Chapter 854 of the 2019 Acts of Assembly. This bill received Governor's recommendations.

Patron - Torian

P HB30 Budget Bill. Provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June 2021, and the thirtieth day of June 2022. This bill received Governor's recommendations.

Patron - Torian

P HB460 Claims; Winston Lamont Scott; compensation for wrongful incarceration. Provides relief in the amount of \$159,535 to Winston Lamont Scott, who was wrongfully convicted of rape, carnal knowledge, and burglary in 1976. The compensation shall be awarded as a lump sum. Mr. Scott served over five years in prison. In March 2019, the Supreme Court of Virginia issued a writ of actual innocence to Mr. Scott and vacated his convictions based upon previously unavailable DNA evidence. The bill allows Mr. Scott to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000. The bill also provides that in the event that a wrongfully incarcerated person is 60 years of age or older or is terminally ill, the General Assembly may pay the compensation owed to such person as a lump sum or shorten the duration of any annuity purchased.

Patron - Sullivan

Failed

F SB6 Voter referendum; issuance of state general obligation bonds for school facility modernization. Provides for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The referendum would be held at the November 2020 general election.

Patron - Stanley

F SB29 Budget Bill. Amends Chapter 854 of the 2019 Acts of Assembly.

Patron - Norment

F SB30 Budget Bill. Provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June 2021, and the thirtieth day of June 2022.

Patron - Norment

Carried Over

C HB389 Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020; report. Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020, which establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. 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. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support 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 civil works storm and flooding risk reduction projects. The bill requires JLARC to report to the General Assembly no later than November 1, 2020, on the results of its initial assessment.

Patron - Miyares

Charters

Passed

P HB168 Charter; Town of Brodnax; town council; membership; meetings. Reduces from seven to five the number of town councilmen for the Town of Brodnax. The bill also reduces from four to three the number of councilmen needed for a quorum and from four to two the number of councilmen needed to call a special meeting. The bill contains an emergency clause and is identical to SB 257.

Patron - Tyler

P HB171 Charter; Town of Bluefield. Amends the town's charter by (i) increasing the number of council members from five to six, (ii) allowing the mayor to vote only to break ties rather than on all matters, (iii) clarifying that the council may act by motion in addition to ordinance and resolution, and (iv) making technical amendments. This bill is identical to SB 244.

Patron - Morefield

P HB345 Charter; Town of Scottsville; town council and other town officers. Provides staggered elections for the town council and removes authority of the town council to appoint other police officers besides the town sergeant. The bill authorizes the town council to appoint a town administrator, and authorizes the town council to appoint one person to multiple offices. The bill changes the term "president of the council" to "vice-mayor" and includes female pronouns with all instances of male pronouns. The bill contains an emergency clause and is identical to SB 281.

Patron - Bell

P HB441 Charter; Town of Middleburg. Amends the charter of the Town of Middleburg by clarifying the powers

and duties of the mayor, the town council, and the appointed town officials. This bill is identical to SB 541.

Patron - Gooditis

P HB464 Charter; City of Virginia Beach. Provides that a Virginia Beach city council member from one of the residence districts who decides to run for an at-large seat on the council shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions. Similarly, a city council member from one of the at-large seats who decides to run for a residence district seat on the council shall tender his resignation as a council member not less than 10 days prior to the filing date. The unexpired portion of the term of any such council member who has resigned shall be filled at the same general election, or by special election if the seat is to be filled by special election. This bill is identical to SB 900.

Patron - Convirs-Fowler

P HB564 Charter; Town of Cheriton. Amends the town's charter to reflect the town's shift of municipal elections from May to November.

Patron - Bloxom

P HB629 Charter; Town of Blacksburg; public hearings. Clarifies provisions related to public hearings in the Town of Blacksburg by providing that if the town council plans to conduct a public hearing related to a proposed ordinance but to delay action on the proposal, the date for the delayed vote shall be stated on the agenda. Furthermore, the bill allows the council, after conducting and closing the public hearing, to vote to delay action until its next regular meeting. This bill is identical to SB 454.

Patron - Hurst

P HB749 Charter; City of Norfolk; employees of officers; vagrants. Amends the charter for the City of Norfolk by changing from "election" to "appointment" the term used to describe the selection of certain officers by the city council and clarifying that employees of such officers serve at will. The bill also removes a provision authorizing the City to prevent persons having no visible means of support, paupers, and persons who may be dangerous to the peace or safety of the City from coming to the City and authorizing the City to expel such persons who have been in the City less than 90 days. This bill is identical to SB 96.

Patron - Jones

P HB846 Charter; Town of Elkton; town boundaries; council meetings. Codifies various annexation agreements between the Town of Elkton and Rockingham County. The bill increases from 30 to 45 days the maximum allowable period between a vacancy in the council and the filling of the vacancy. The bill also authorizes the Chief of Police to deliver via a designee a notice of a special or emergency meeting of the council. This bill is identical to SB 597.

Patron - Runion

P HB1064 Charter; City of Richmond. Requires a council member to reside in the election district from which the member was elected throughout the member's term on the council. A council member may be removed from office for failure to comply with the residency requirement. This bill is identical to SB 528.

Patron - Adams, D.M.

P HB1107 Charter; City of Charlottesville; city organization; council. Modernizes and reorganizes aspects of the charter of the City of Charlottesville. The bill updates and repeals various provisions to conform to state and federal law

as well as current city organization. This bill is identical to SB 284.

Patron - Hudson

P HB1233 Charter; Town of Dayton. Makes numerous organizational and technical changes to the charter for the Town of Dayton in Rockingham County related to town council, powers, and officers. Such changes are consistent with powers generally granted to towns. This bill is identical to SB 690.

Patron - Wilt

P HB1492 Charter; Town of Parksley; November elections. Moves elections for the town council and mayor of the Town of Parksley from May to November. The bill contains an emergency clause.

Patron - Bloxom

P HB1565 Charter; Town of Blackstone; advisory referendums. Authorizes the Town of Blackstone to hold advisory referendums regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve (i) the Harris Memorial Armory or (ii) a community center. This bill is identical to SB 1036.

Patron - Wright

P HB1616 Charter; City of Hopewell. Exempts from a referendum requirement bonds issued for the construction, improvement, expansion, or replacement of existing public buildings or facilities, and authorizes the City to replace existing buildings or facilities on an alternative site.

Patron - Coyner

P HB1720 Charter; Town of Abingdon. Updates the Town of Abingdon's boundary description, repeals outdated provisions, and makes various technical amendments to charter terminology. This bill is identical to SB 1084.

Patron - Wampler

P HB1734 Charter; City of Winchester. Amends the City of Winchester's charter to provide for an elected school board and to reduce the size of the school board from nine to seven members.

Patron - Collins

P SB96 Charter; City of Norfolk; employees of officers; vagrants. Amends the charter for the City of Norfolk by changing from "election" to "appointment" the term used to describe the selection of certain officers by the city council and clarifying that employees of such officers serve at will. The bill also removes a provision authorizing the City to prevent persons having no visible means of support, paupers, and persons who may be dangerous to the peace or safety of the City from coming to the City and authorizing the City to expel such persons who have been in the City less than 90 days. This bill is identical to HB 749.

Patron - Spruill

P SB244 Charter; Town of Bluefield. Amends the town's charter by (i) increasing the number of council members from five to six, (ii) allowing the mayor to vote only to break ties rather than on all matters, (iii) clarifying that the council may act by motion in addition to ordinance and resolution, and (iv) making technical amendments. This bill is identical to HB 171.

Patron - Chafin

P SB257 Charter; Town of Brodnax; town council; membership; meetings. Reduces from seven to five the number of town councilmen for the Town of Brodnax. The bill also

reduces from four to three the number of councilmen needed for a quorum and from four to two the number of councilmen needed to call a special meeting. The bill contains an emergency clause and is identical to HB 168.

Patron - Ruff

P SB281 Charter; Town of Scottsville; town council and other town officers. Provides staggered elections for the town council and removes authority of the town council to appoint other police officers besides the town sergeant. The bill authorizes the town council to appoint a town administrator, and authorizes the town council to appoint one person to multiple offices. The bill changes the term "president of the council" to "vice-mayor" and includes female pronouns with all instances of male pronouns. The bill contains an emergency clause and is identical to HB 345. This bill received Governor's recommendations.

Patron - Deeds

P SB284 Charter; City of Charlottesville; city organization; council. Modernizes and reorganizes aspects of the charter of the City of Charlottesville. The bill updates and repeals various provisions to conform to state and federal law as well as current city organization. This bill is identical to HB 1107.

Patron - Deeds

P SB454 Charter; Town of Blacksburg; public hearings. Clarifies provisions related to public hearings in the Town of Blacksburg by providing that if the town council plans to conduct a public hearing related to a proposed ordinance but to delay action on the proposal, the date for the delayed vote shall be stated on the agenda. Furthermore, the bill allows the council, after conducting and closing the public hearing, to vote to delay action until its next regular meeting. This bill is identical to HB 629.

Patron - Edwards

P SB528 Charter; City of Richmond. Requires a council member to reside in the election district from which the member was elected throughout the member's term on the council. A council member may be removed from office for failure to comply with the residency requirement. This bill is identical to HB 1064.

Patron - Hashmi

P SB541 Charter; Town of Middleburg. Amends the charter of the Town of Middleburg by clarifying the powers and duties of the mayor, the town council, and the appointed town officials. This bill is identical to HB 441.

Patron - Vogel

P SB597 Charter; Town of Elkton; town boundaries; council meetings. Codifies various annexation agreements between the Town of Elkton and Rockingham County. The bill increases from 30 to 45 days the maximum allowable period between a vacancy in the council and the filling of the vacancy. The bill also authorizes the Chief of Police to deliver via a designee a notice of a special or emergency meeting of the council. This bill is identical to HB 846.

Patron - Hanger

P SB690 Charter; Town of Dayton. Makes numerous organizational and technical changes to the charter for the Town of Dayton in Rockingham County related to town council, powers, and officers. Such changes are consistent with powers generally granted to towns. This bill is identical to HB 1233.

Patron - Obenshain

P SB900 Charter; City of Virginia Beach. Provides that a Virginia Beach city council member from one of the residence districts who decides to run for an at-large seat on the council shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions. Similarly, a city council member from one of the at-large seats who decides to run for a residence district seat on the council shall tender his resignation as a council member not less than 10 days prior to the filing date. The unexpired portion of the term of any such council member who has resigned shall be filled at the same general election, or by special election if the seat is to be filled by special election. This bill is identical to HB 464.

Patron - DeSteph

P SB961 Charter; City of Hopewell. Exempts from a referendum requirement bonds issued for the construction, improvement, expansion, or replacement of existing public buildings or facilities, and authorizes the City of Hopewell to replace existing buildings or facilities on an alternative site.

Patron - Morrissey

P SB1036 Charter; Town of Blackstone; advisory referendums. Authorizes the Town of Blackstone to hold advisory referendums regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve (i) the Harris Memorial Armory or (ii) a community center. This bill is identical to HB 1565.

Patron - Ruff

P SB1084 Charter; Town of Abingdon. Updates the Town of Abingdon's boundary description, repeals outdated provisions, and makes various technical amendments to charter terminology. This bill is identical to HB 1720.

Patron - Pillion

Study Resolutions

Passed

P HB854 Study; Department of Housing and Community Development and Virginia Housing and Development Authority; ways to incentivize the development of affordable housing in the Commonwealth of Virginia; report. Requests the Department of Housing and Community Development and the Virginia Housing and Development Authority to convene a stakeholder advisory group to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth.

Patron - Murphy

P HJ29 Study; staffing levels, employment conditions, and compensation at the Virginia Department of Corrections; report. Establishes a joint committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections. The resolution directs the joint committee to conclude its work by November 30, 2020, and to report its findings and rec-

ommendations no later than the first day of the 2021 Regular Session of the General Assembly.

Patron - Tyler

P HJ47 Study; JCOTS; safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia; report. Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. This resolution is identical to SJ 38.

Patron - Sickles

P HJ52 Secretary of Health and Human Resources; pharmaceutical distribution payment system; report. Requests the Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of prescription drugs to Virginians at the point of sale.

Patron - Guzman

P HJ64 Study; Virginia Information Technologies Agency; ransomware attack preparedness; report. Requests the Virginia Information Technologies Agency (VITA) to study the Commonwealth's susceptibility, preparedness, and ability to respond to ransomware attacks. In conducting its study, the Agency shall (i) assess the Commonwealth's susceptibility to ransomware attacks at the state and local levels of government; (ii) develop guidelines and best practices to prevent ransomware attacks; (iii) evaluate current data encryption and backup strategies; (iv) evaluate the availability of tools to monitor unusual access requests, viruses, and network traffic; (v) develop guidance for state agencies and localities on responding in the event of a ransomware attack; (vi) develop a coordinated law-enforcement response strategy that utilizes forensic investigative techniques to identify the source of ransomware attacks; and (vii) provide recommendations on legislative or regulatory changes to better protect state and local government entities from ransomware. The bill requires VITA to report its findings to the Governor and the General Assembly no later than the first day of the 2021 Regular Session.

Patron - Reid

P HJ102 Study; continuing the Joint Subcommittee on Coastal Flooding; report. Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2021 interim. This resolution incorporates HJ 77 and is identical to SJ 27.

Patron - Hodges

P SJ15 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 - Locke

P SJ27 Study; continuing the Joint Subcommittee on Coastal Flooding; report. Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2021 interim. This resolution is identical to HJ 102.

Patron - Lewis

P SJ30 Study; Department of Aviation; coordination of the aviation industry for economic and workforce development; report. Requests the Department of Aviation to study the coordination of stakeholders within the aviation industry for economic and workforce development. In conducting its study, the Department shall convene a work group with representation from the aviation industry, the Department of Education, the State Council of Higher Education for Virginia, and other interested parties to explore issues related to the continued development of the aviation industry and workforce, in coordination with the Federal Aviation Administration and other responsible federal agencies.

Patron - Cosgrove

P SJ35 Study; barrier crimes and criminal history records checks; report. Establishes a joint subcommittee to study the Commonwealth's requirements related to barrier crimes and criminal history records checks. The resolution directs the joint subcommittee to, in conducting its study, develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions.

Patron - Edwards

P SJ38 Study; JCOTS; safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia; report. Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. This resolution is identical to HJ 47.

Patron - Cosgrove

P SJ42 Department of Environmental Quality; Waste Diversion and Recycling Task Force; report. Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling. The resolution

requests that the Task Force include stakeholders to discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the Task Force discuss potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants.

Patron - Hanger

P SJ47 Study; jurisdiction and organization of Court of Appeals of Virginia; report. Requests the Judicial Council of Virginia to study the jurisdiction and organization of the Court of Appeals of Virginia and make recommendations on providing an appeal of right from the circuit courts to the Court of Appeals and organizing the Court of Appeals into four geographic circuits.

Patron - Surovell

P SJ49 Study; Department of Health Professions; need for additional micro-level, mezzo-level, and macro-level social workers and increased compensation; report. Requests that the Department of Health Professions convene a work group, which shall include certain stakeholders listed in the bill, to (i) identify the number of social workers needed in the Commonwealth to adequately serve the population; (ii) identify opportunities for the Commonwealth's social work workforce to successfully serve and respond to increasing biopsychosocial needs of individuals, groups, and communities in areas related to aging, child welfare, social services, military and veterans affairs, criminal justice, juvenile justice, corrections, mental health, substance abuse treatment, and other health and social determinants; (iii) gather information about current social workers in the Commonwealth related to level of education, school of social work attended, level of licensure, job title and classification, years of experience, gender, employer, and compensation; (iv) analyze the impact of compensation levels on social workers' job satisfaction and performance, as well as its impact on the likelihood of other persons entering the profession and any complications to such compensation levels caused by student debt; and (v) make recommendations for additional sources of funding to adequately compensate social workers and increase the number of social workers in the Commonwealth.

Patron - McClellan

P SJ50 Study; Department of Rail and Public Transportation; Commonwealth Corridor passenger rail service; report. Requests the Department of Rail and Public Transportation to study the feasibility of an east-west Commonwealth Corridor passenger rail service connecting Hampton Roads, Richmond, and the New River Valley.

Patron - McClellan

P SJ67 Study; JLARC; legalization and regulation of growth, sale and possession of marijuana; report. Directs the Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022, and address the impacts of marijuana prohibition.

Patron - McClellan

Failed

F HJ18 Study; JLARC; cost of implementing universal health care in the Commonwealth; report. Directs the Joint Legislative Audit and Review Commission to study the cost of implementing universal health care in the Commonwealth.

Patron - Carter

F HJ20 Study; JLARC; feasibility of adjusting the composite index of local ability to pay and expanding access to the cost of competing adjustment; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay and expanding access to the cost of competing adjustment by (i) reviewing current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; (ii) examining the components of the composite index of local ability to pay and the cost of competing adjustment; (iii) evaluating other states' public school funding formulas; and (iv) hearing local concerns and seeking input from various state and national experts, as applicable.

Patron - Cole, M.L.

F HJ22 Study; substitute judges; retired district court judges subject to recall; report. Requests the Office of the Executive Secretary of the Supreme Court of Virginia to study the current training and legal education requirements and performance standards for substitute judges and retired district court judges subject to recall and to provide recommendations for additional oversight and evaluation of such judges.

Patron - Orrock

F HJ23 Study; Department of Elections; use of blockchain technology to protect voter records and election results; report. Requests the Department of Elections to conduct a study to (i) determine the kinds of blockchain technology that could be used to secure voter records and election results, (ii) determine the costs and benefits of using such technology as compared to traditional registration and election security measures, and (iii) make recommendations on whether and how to implement blockchain technology in practices affecting the security of voter records and election results.

Patron - Ayala

F HJ26 Study; JLARC; reinstatement of discretionary parole; report. Directs the Joint Legislative Audit and Review Commission to study the reinstatement of discretionary parole, which was abolished in 1995.

Patron - Watts

F HJ27 Study; Virginia State Crime Commission; equity and fairness in Virginia's criminal justice system; report. Directs the Virginia State Crime Commission to study equity and fairness in Virginia's criminal justice system and to submit its findings and recommendations to the General Assembly no later than the first day of the 2021 Regular Session.

Patron - Mullin

F HJ28 Study; expungement of criminal records; report. Directs the Virginia State Crime Commission to study expungement of criminal records.

Patron - Mullin

F HJ30 Study; Virginia State Crime Commission; the low use of geriatric parole; report. Directs the Virginia State Crime Commission to study the low use of geriatric

parole and the appropriate structure for increasing the use of geriatric parole.

Patron - Scott

F HJ31 Study; Department of Housing and Community Development; Commonwealth-wide housing needs. Directs the Department of Housing and Community Development to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth.

Patron - Lopez

F HJ32 Study; Department of Criminal Justice Services; colored warning lights; report. Requests the Department of Criminal Justice Services to study the use of certain colored warning lights on emergency response vehicles.

Patron - Bell

F HJ35 Study; Albemarle-Pamlico Watershed; report. Requests the Department of Environmental Quality to study the Albemarle-Pamlico Watershed in Virginia, including land use, stormwater, groundwater, storm information, and flora and fauna.

Patron - Convors-Fowler

F HJ36 Study; Joint Commission on Health Care; health care spending. Directs the Joint Commission on Health Care to study health care spending in the Commonwealth. In conducting its study, the Joint Commission on Health Care shall (i) determine the total amount of spending on health care in the Commonwealth, including the total amount of public funds and private funds spent on health care in the Commonwealth; (ii) determine the sources of funds spent on health care in the Commonwealth, including federal funds, state funds, local funds, employer-paid health insurance premiums, member-paid health insurance premiums, individual out-of-pocket spending, and uncompensated care, and the total amount for each source; (iii) determine the rates of change in health care spending, including rates of change in public and private health care spending, in the last five years; and (iv) identify the drivers of increases in health care spending in the Commonwealth.

Patron - Carter

F HJ37 Study; JLARC; feasibility of creating a transportation authority for Planning District 16; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility of creating a transportation authority for Planning District 16 and to report its findings by the first day of the 2021 Regular Session of the General Assembly.

Patron - Cole, J.G.

F HJ38 Study; JLARC; effects of gun violence on communities; report. Directs the Joint Legislative Audit and Review Commission to study the social, physical, emotional, and economic effects of gun violence on communities across the Commonwealth.

Patron - Price

F HJ40 Study; harmful algal blooms in Lake Anna; report. Requests the Virginia Department of Health to study harmful algal blooms in Lake Anna and submit its report by the first day of the 2021 Regular Session of the General Assembly.

Patron - McGuire

F HJ41 Study; JLARC; teacher salaries and benefits in the Commonwealth; regional competitiveness of such salaries and benefits; report. Directs the Joint Legislative Audit and Review Commission to study teacher salaries and benefits in the Commonwealth, including the regional competitiveness of such salaries and benefits, by analyzing the relationship between (i) salaries and benefits provided to teachers in the Commonwealth, states adjoining the Commonwealth, and the District of Columbia and (ii) the recruitment and retention of teachers in each such state and the District of Columbia.

Patron - Scott

F HJ43 Study; DCJS; enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect; report. Directs the Department of Criminal Justice Services to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect.

Patron - Sullivan

F HJ44 Study; JLARC; reinstatement of discretionary parole; report. Directs the Joint Legislative Audit and Review Commission to study the reinstatement of discretionary parole, which was abolished in 1995.

Patron - Guzman

F HJ48 Study; Virginia State Crime Commission; mandatory minimum sentences; report. Requests the Virginia State Crime Commission to study the use and effectiveness of mandatory minimum sentences.

Patron - Hope

F HJ56 Study; JLARC; privately operated prisons; report. Directs the Joint Legislative Audit and Review Commission, in consultation with the Department of Corrections, to study the use of privately operated prisons in the Commonwealth.

Patron - Plum

F HJ57 Study; Department of Transportation; U.S. Route 50; report. Requests that the Department of Transportation study traffic congestion on that portion of U.S. Route 50 between the intersections of Interstate 66 in Fairfax County and U.S. Route 15 in Loudoun County and the feasibility of implementing improvements to such portion of the highway.

Patron - Subramanyam

F HJ59 Study; facial recognition; artificial intelligence; report. Directs the Joint Commission on Technology and Science to convene a working group of relevant agencies, law enforcement, private industry, and academics to study the proliferation and implementation of facial recognition and artificial intelligence. The Commission shall make recommendations and report its findings no later than the first day of the 2021 Regular Session of the General Assembly.

Patron - Aird

F HJ63 Study; joint subcommittee to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report. Establishes a 19-member, two-year joint subcommittee to identify research and economic development opportunities to inform a statewide, comprehensive, and coordinated strategy relating to blockchain technology.

Patron - Rush

F HJ65 Study; Virginia State Crime Commission; classification of certain crimes as violent felonies and the impact of reducing sentence lengths for criminal violations on recidivism; report. Directs the Virginia State Crime Commission to study the classification of certain crimes as violent felonies and the impact of reducing sentence lengths for criminal violations on recidivism.

Patron - Hope

F HJ66 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 - Kilgore

F HJ67 Study; Virginia Housing Commission; definition of "affordable housing"; report. Directs the Virginia Housing Commission (the Commission) to study the definition of affordable housing. In conducting the study, the Commission shall examine the current usage of "affordable housing" in the Commonwealth and among its political subdivisions and the meaning or criteria associated with the phrase. The Commission shall make any recommendations regarding uniformity or statewide standards as appropriate.

Patron - Orrock

F HJ68 Study; Department of Agriculture and Consumer Services; companion animals; temperature extremes; report. Requests the Department of Agriculture and Consumer Services to study the need for regulations addressing temperature extremes in relation to companion animal care.

Patron - Orrock

F HJ69 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 within the Commonwealth.

Patron - LaRock

F HJ73 Study; Interstate 66 Corridor Improvement Plan. Requests the Commonwealth Transportation Board to study safety, congestion, and tolling concerns on Interstate 66 and to develop and adopt an Interstate 66 Corridor Improvement Plan.

Patron - Delaney

F HJ77 Study; continuing the Joint Subcommittee on Coastal Flooding; report. Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2021 interim. This resolution was incorporated into HJ 102.

Patron - Convirs-Fowler

F HJ78 Study; JLARC; costs and benefits of early voting versus mail voting; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study and compare the costs and benefits of early voting versus mail voting. In conducting its study, JLARC shall consider the initial and long-term costs of moving from Virginia's current absentee voting system to early voting and to mail voting; the potential for increased voter participation under both systems; and the merits and risks of both systems related to security, accessibility, transparency, and accuracy.

Patron - Sickles

F HJ79 Study; JLARC; special education staffing ratios; report. Directs the Joint Legislative Audit and Review

Commission to include in its current review of the effectiveness of Virginia's special education programs an examination of the prescribed and actual ratios of students to special education instructional and support personnel in public elementary and secondary schools in the Commonwealth to determine whether any adjustment to such ratios is necessary.

Patron - Guzman

F HJ82 Study; Virginia Economic Development Partnership Authority to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report. Requests the Virginia Economic Development Partnership Authority to identify blockchain technology research and economic development opportunities with the goal of creating a statewide, comprehensive, and coordinated strategy relating to blockchain technology. In conducting its study, the Virginia Economic Development Partnership Authority shall analyze and consider (i) economic development opportunities in the Commonwealth available through the utilization of blockchain technology; (ii) different types of blockchain technology and the feasibility of economic development for each type; (iii) the creation of a statewide, comprehensive, and coordinated strategy to encourage commercial activity in the blockchain technology sector; (iv) opportunities for deployment of blockchain technology in state government; and (v) strategies to incentivize the development of blockchain companies in the Commonwealth. The Virginia Economic Development Partnership Authority shall submit its report to the Governor and the 2021 and 2022 Regular Sessions of the General Assembly.

Patron - Ayala

F HJ83 Study; JLARC; Compensation Board funding for the offices of constitutional officers; report. Directs the Joint Legislative Audit and Review Commission to study Compensation Board funding for the offices of constitutional officers and to review the trends and trajectory of general fund support in the state budget for the offices of constitutional officers, the metrics by which support is determined, the equity of such state support considering the needs of the various localities, and the degree by which localities are supplementing the Commonwealth's funding.

Patron - Ware

F HJ84 Study; JLARC; sentencing of drug offenders; report. Directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of the Virginia courts' sentencing of Schedule I and Schedule II drug offenders.

Patron - Herring

F HJ89 Study; economic and environmental impacts of litter on fishing, farming, habitat, organisms, and water quality in streams; report. Requests the Department of Environmental Quality to study the economic and environmental impacts of litter on fishing, farming, water quality, and other components of Virginia's economy and habitat and to propose strategies, campaigns, and necessary state actions to protect the economy of the Commonwealth from harm caused by litter and to promote Virginia's economic welfare.

Patron - Krizek

F HJ94 Study; Virginia Housing Commission; use of dwelling units as family day homes; report. Directs the Virginia Housing Commission to study whether individuals residing in a rental dwelling unit shall be permitted to operate a family day home from within such rental dwelling unit. In conducting its study, the Commission is directed to review (i) the need of families to have access to high-quality, affordable child care; (ii) the unique challenges presented by the operation of a

family day home from within a rental dwelling unit; (iii) the concerns of landlords stemming from the use of a dwelling unit as a family day home; and (iv) ways in which the needs of families to have access to affordable, high-quality child care can be reconciled with the concerns of landlords stemming from the use of dwelling units as family day homes.

Patron - Lopez

F HJ95 Study; state parks at Brandy Station and Cedar Mountain Battlefields; report. Requests the Department of Conservation and Recreation to study the feasibility of establishing two state parks in Culpeper County, one at Brandy Station Battlefield and one at Cedar Mountain Battlefield.

Patron - Lopez

F HJ97 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, James Madison University, 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

F HJ98 Study; Virginia Employment Commission; regional skills gaps for the fastest growing green industries; report. Requests the Virginia Employment Commission to study regional skills gaps for the fastest growing green industries.

Patron - Tran

F HJ101 Study; JLARC; 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

F HJ105 Study; joint subcommittee to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report. Establishes a 19-member, two-year joint subcommittee to identify research and economic development opportunities to inform a statewide, comprehensive, and coordinated strategy relating to blockchain technology.

Patron - Subramanyam

F HJ106 Study; Department of Health; use of alternative onsite sewage systems in the Commonwealth; report. Requests the Department of Health to study the use of alternative onsite sewage systems in the Commonwealth.

Patron - Bloxom

F HJ107 Study; JLARC; transportation systems and transportation funding. Directs the Joint Legislative Audit and Review Commission, in conjunction with the Virginia Academy of Science, Engineering, and Medicine and the Virginia Tech Transportation Institute, to study the state of the transportation systems and transportation funding in the Commonwealth.

Patron - Austin

F HJ109 Study; Joint Legislative Audit and Review Commission; cost-effective care for individuals with intellectual disabilities; report. Directs the Joint Legislative Audit and Review Commission to study costs of care for individuals with intellectual disabilities. In conducting its study, the Joint Legislative Audit and Review Commission shall analyze the Commonwealth's per capita costs of care for individuals with intellectual disabilities and per capita costs of care and cost-effective methods used by other states to provide care for individuals with intellectual disabilities and shall make recommendations regarding how the Commonwealth can reduce such costs or make more efficient use of the services provided for individuals with intellectual disabilities to increase its efficiency in the provision of such care and services.

Patron - Campbell, R.R.

F HJ110 Study; State Corporation Commission; requiring telecommunications facilities to be placed underground; report. Requests the State Corporation Commission to study the feasibility of requiring telecommunications facilities to be placed underground when overhead electric distribution lines that share the same poles are buried.

Patron - Sullivan

F HJ112 Study; reasonableness of interest rates on motor vehicle title loans; report. Requests the Bureau of Financial Institutions of the State Corporation Commission to study the reasonableness of interest rates on motor vehicle title loans, including the profitability of such loans and how such rates and profit levels compare with those for alternative types of loans. The Bureau is directed to report its findings to the Governor and the General Assembly by the first day of the 2021 Regular Session of the General Assembly.

Patron - Sickles

F HJ114 Study; Virginia Code Commission; feasibility of a comprehensive revision of the Code of Virginia to be gender-neutral; report. Directs the Virginia Code Commission to study the feasibility of a comprehensive revision of the Code of Virginia to eliminate masculine generics and to use gender-neutral language throughout and to make recommendations for the scope of the revision and the best approach for implementing necessary changes. The recommendations shall also include precise guidelines, including a set of gender-neutral rules and style recommendations, to be followed during the revision. The Code Commission is required to report on its findings and recommendations by the first day of the 2021 Regular Session.

Patron - Jones

F HJ115 Study; JLARC; adequacy of prisoner educational and vocational training programs; report. Directs the Joint Legislative Audit and Review Commission to (i) identify all educational and vocational training programs provided to prisoners in the Commonwealth; (ii) calculate the percentage of prisoners who participate in such educational and vocational training programs; (iii) identify and analyze any correlation between participation in such programs and successful reentry into the community, including correlations related to employment and recidivism; (iv) identify trades and industries within the Commonwealth with the greatest current need for employees and determine if educational and vocational training programs exist to prepare prisoners for such trades or industries; and (v) make recommendations to improve current educational and vocational training programs, create additional programs, and increase the number of prisoners participating in such programs.

Patron - Aird

F HJ116 Study; Department of Environmental Quality; Waste Diversion and Recycling Task Force; report. Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to study ways to increase waste diversion and recycling. The resolution requests that the Department work with stakeholders to develop recommendations to reduce waste at the source such as composting and recycling of organic material. It also requests that the Department study potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants. The Department shall (i) study methods of improving recycling, reducing waste, and diverting waste from landfills, (ii) develop recommendations to reduce waste at the source, such as composting and recycling of organic material, and (iii) consider whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material.

Patron - Gooditis

F HJ125 Study; effectiveness of stormwater management laws; report. Requests the Department of Environmental Quality to study the effectiveness of stormwater management laws and regulations in Virginia.

Patron - Kory

F HJ127 Study; JLARC; court-appointed guardians and conservators; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the operations and performance of court-appointed guardians and conservators in the Commonwealth. In conducting its study, JLARC shall (i) identify the Commonwealth's laws that help prevent and remedy abuse, neglect, and exploitation of elderly and incapacitated persons; (ii) recommend any changes that should be made to the Commonwealth's laws to better prevent and remedy abuse, neglect, and exploitation of such persons, including instances in which abuse, neglect, or exploitation is committed by a court-appointed guardian or conservator; (iii) determine and recommend the maximum number of wards per guardian that should be permitted to ensure a high level of oversight and care; (iv) identify appropriate training, qualification, and oversight requirements for court-appointed guardians; (v) determine the types and amount of information that court-appointed guardians should be required to provide when making decisions on behalf of a ward and identify the parties to whom such information should be provided; and (vi) recommend one or more processes that could be implemented to allow for the receipt and investigation of complaints regarding the actions of court-appointed guardians.

Patron - Roem

F HJ128 Study; Department of Rail and Public Transportation; commuter rail system in the Commonwealth; report. Requests the Department of Rail and Public Transportation to study and develop best practices for constructing, operating, and maintaining commuter rail systems in the Commonwealth.

Patron - Roem

F HJ129 Study; Virginia State Crime Commission; post-conviction monitoring of persons convicted of domestic violence in the Commonwealth; report. Directs the Virginia State Crime Commission to (i) determine the number of persons convicted of domestic violence, family abuse, and intimate partner abuse in the Commonwealth in the past 10 years; (ii) provide the total number of misdemeanor and felony con-

victions, if applicable, for each identified person convicted of a charge related to domestic violence; (iii) identify any additional terms of the sentence for each identified person, as required by the presiding judge, including probation or any other requirements, that would allow the Commonwealth to monitor the person for any length of time following the conviction; and (iv) provide recommendations for monitoring persons convicted of domestic violence, family abuse, and intimate partner abuse, including the establishment of a domestic violence registry.

Patron - McQuinn

F HJ131 Study; Department of Environmental Quality; Clean Transportation Plan; report. Requests the Department of Environmental Quality to study the impact of electric vehicles and develop a Clean Transportation Plan.

Patron - Jones

F SB361 Study; JCOTS; safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia; report. Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost.

Patron - Cosgrove

F SJ13 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 by 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 the activities of industrial development authorities; (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

F SJ28 Study; JLARC; feasibility of adjusting the composite index of local ability to pay; report. Requires the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay by (i) reviewing current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; (ii) examining the components of the composite index of local ability to pay; (iii) evaluating other states' public school funding formulas; (iv) hearing local concerns and seeking input from various state and national

experts, as applicable; and (v) determining the feasibility of reducing the local share under the Local Composite Index (LCI) in school divisions in which the locality is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities."

Patron - Reeves

[F] SJ32 Study; Department of Environmental Quality; Clean Transportation Plan; report. Requests the Department of Environmental Quality to study the impact of electric vehicles and develop a Clean Transportation Plan.

Patron - Bell

[F] SJ34 Study; Virginia State Crime Commission; mandatory minimum sentences; report. Requests the Virginia State Crime Commission to study the use and effectiveness of mandatory minimum sentences.

Patron - Surovell

[F] SJ36 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 that (i) consider issues related to accessibility, auditability, authentication, verification, and security through encryption, in order to ensure that any process implemented would guarantee the accuracy and integrity of voted military-overseas ballots, and (ii) recommend (a) security measures necessary to reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access; (b) methods for verifying and authenticating the identity of the voter electronically when registering to vote and when requesting a ballot from and returning a ballot to the voter's jurisdiction; (c) methods for the encryption of voted ballots; and (d) a procedure for security reviews after an election. The study shall focus on implementation of electronic return of voted military-overseas ballots first as a limited pilot program in 2021, and later on a statewide basis.

Patron - DeSteph

[F] SJ41 Study; joint subcommittee to study issues related to firearms and safety in the Commonwealth; report. Establishes a two-year joint subcommittee to study numerous issues related to firearms, firearms safety, violence, and Second Amendment rights. The resolution directs the joint subcommittee to file an interim report after November 2020 and a final report after November 2021.

Patron - Hanger

[F] SJ53 Study; DEQ; revised priority ranking criteria for grants from the Stormwater Local Assistance Fund to include reduction of nitrogen pollution; report. Directs the Department of Environmental Quality (DEQ) to study revised priority ranking criteria for grants from the Stormwater Local Assistance Fund (the Fund) to include reduction of nitrogen pollution and report its findings and recommendations for publication as a House or Senate document. In conducting its study, the DEQ shall (i) analyze the benefits and costs of nitrogen pollution reduction in Virginia's waters and compare to the benefits and costs of reductions in phosphorous pollution, and (ii) determine comparable criteria to award grants from the Fund based on nitrogen reductions and revise the Fund's award

criteria accordingly. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Lewis

[F] SJ57 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

[F] SJ66 Study; Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis; report. Establishes the Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis (Joint Subcommittee). The bill requires the Joint Subcommittee to (i) study and provide guidance on the potential creation of a Cannabis Control Commission to oversee licensing and regulation of industrial hemp, medical cannabis, and adult-use of cannabis; (ii) provide regulatory guidance on potential tax rates and revenue forecasts for retail and wholesale products; (iii) study and make recommendations regarding the issuance of initial cultivation and retail licenses; (iv) develop and recommend a fee structure and grandfathering process for current pharmaceutical processors; (v) study and recommend potential marijuana advertising regulations; (vi) study and determine appropriate public consumption venues and personal cultivation allowances; (vii) study funding and processing requirements for expungement of criminal records and rights restoration related to marijuana decriminalization; (viii) study and recommend methods for diversifying ownership of the marijuana market; (ix) assess the California, Massachusetts, and Illinois marijuana programs and their effectiveness in transferring economic prosperity to disproportionately affected areas; (x) study the potential development of a community reinvestment fund; and (xi) review and analyze National Highway Traffic Safety Administration studies on marijuana-related impairment. The joint subcommittee shall also review studies conducted by JLARC considering the legalization and regulation of the growth, sale, and possession of marijuana and any recommended best practices and policies to address the impact of marijuana prohibition on marginalized members of the community.

Patron - Ebbin

[F] SJ77 Study; Virginia Center for School and Campus Safety; firearm safety education in the Commonwealth's public schools; report. Requests the Virginia Center for School and Campus Safety, in collaboration with the Department of Education, to study, develop, and recommend best practices for firearm safety education in the Commonwealth's public schools.

Patron - Norment

Carried Over

[C] SB486 Study; VDACS; sources, scale, and prevention of food waste in the Commonwealth; report. Directs the Virginia Department of Agriculture and Consumer Services (VDACS) to study, in consultation with the Department of Environmental Quality and stakeholders, the sources, scale, and prevention of food waste in the Commonwealth. In conducting its study, VDACS shall (i) assess the total annual statewide rate of preventable food waste received by landfills within the Commonwealth; (ii) identify the industry sectors within the Commonwealth that contribute to preventable food waste, and determine their rate of contribution to such waste; (iii) identify alternative uses of food that is wasted; and (iv)

recommend policies to reduce the annual rate of preventable food waste in the Commonwealth with data-driven reduction targets and timelines, including food donation requirements for certain food waste from grocery stores and restaurants. The provisions of the bill are contingent on funding in a general appropriation act.

Patron - Favola

C SJ25 Study; Virginia Polytechnic Institute and State University; teaching hospital; report. Requesting Virginia Polytechnic Institute and State University to study the requirements for the Virginia Tech Carilion School of Medicine to be designated as a teaching hospital in the Code of Virginia.

Patron - Stanley

C SJ39 Study; Virginia State Crime Commission; effect of abolishing jury sentencing on the justice system; report. Directs the Virginia State Crime Commission to (i) identify the most common charges tried before juries within the Commonwealth and determine the average sentence per charge as recommended by a jury; (ii) compare the jury-recommended sentence to the average sentence for each identified charge, factoring in alternative sentences and suspended time, as determined by a judge during a bench trial; (iii) identify any perceived negative impacts to the judicial system associated with abolishing the practice of jury sentencing and make recommendations as to how these potential negative impacts could be avoided; and (iv) determine the feasibility of abolishing jury sentencing for noncapital offenses within the Commonwealth.

Patron - Edwards

Appendix A: Session Statistics

2020 SESSION STATISTICS

	Introduced	Passed	Carried Over	Failed
House Bills	1,734	748	242	744
House Joint Resolutions	510	417	5	88
House Resolutions	218	211	0	7
House Total	2,462	1,376	247	839
Senate Bills	1,096	543	123	430
Senate Joint Resolutions	269	223	15	31
Senate Resolutions	83	76	0	7
Senate Total	1,448	842	138	468
General Assembly Total	3,910	2,218	385	1,307

Appendix B: 2020 SESSION HIGHLIGHTS

The *2020 Session Highlights* summarizes significant legislation considered by the 2020 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the 2020 Session covers legislative actions through sine die on Thursday, March 12, 2020. Bills are differentiated as Passed, Failed, or Carried Over. 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 119 Milk; definition; misbranding; prohibition. Defines "milk" as the lacteal secretion of a healthy hooved mammal and provides that a food product is unlawfully misbranded if its label states that it is milk and it fails to meet such definition, except for human breast milk. The bill directs the Board of Agriculture and Consumer Services to implement a plan to ban all products misbranded as milk. The bill does not become effective until six months after the enactment, on or before October 1, 2029, of a similar act in any 11 of 14 specified states.

HB 534/SB 11 Local disposable plastic bag tax. Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax.

HB 981/SB 1027 Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy

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to administer and implement low-income energy efficiency programs. The bill authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill also provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The bill authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers and continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding.

HB 1422/SB 704 Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion. Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. The measure also directs the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

HB 1448/SB 791 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. 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. The bill directs the

Commissioner of Marine Resources to establish a Menhaden Management Advisory Committee to provide guidance to the Commission. The bill contains an emergency clause and was signed by the Governor on March 8.

HB 1552/SB 272 Tethering animals; adequate shelter and space. Provides that the outdoor tethering of an animal does not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter. The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would.

Alcoholic Beverage Control

Passed

HB 390/SB 389 Alcoholic beverage control; license and fee reform. Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021.

Failed

SB 688 Alcoholic beverage control; distillers' licenses; remote stores and tasting rooms. Allows a licensed distiller who operates a government store for the sale of spirits to (i) conduct tastings and (ii) sell spirits for off-premises consumption at four additional locations designated in the license.

Commerce and Labor

Passed

HB 395/SB 7 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage will be adjusted to reflect increases in the consumer price index. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers.

HB 1251/SB 172 Health insurance; payment to out-of-network providers; balance billing. Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure

establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) nondisclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject to such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021.

HB 1526/SB 851 Virginia Clean Economy Act. Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a byproduct of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS. Under the mandatory RPS, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the

Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion

of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder group's recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xiv) requires the Department of Mines, Minerals and Energy in consultation with the Council on Environmental Justice to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xv) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon free electric energy generation by 2045 at least cost for ratepayers; and (xvi) provides that it is the policy of the Commonwealth that the State Corporation Commission,

Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs and job training programs and the placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines.

SB 77 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, nonprofit institutions of higher education, and federally regulated financial institutions 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) misapplying 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, 2021, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning March 1, 2021.

Failed

HB 898/SB 481 Earned paid sick time. Requires public and private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless

the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill prohibits employers from taking certain retaliatory actions against employees related to leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation.

Constitutional Amendments

Passed

SJ 18 Constitutional amendment (second 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, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail.

Courts/Civil Law

Passed

HB 870 Statute of limitations; sexual abuse. Provides that, for a cause of action accruing on or after July 1, 2020, every action for injury to a person resulting from sexual abuse shall be brought within 10 years after the cause of action accrues. This bill does not change the current 20-year statute of limitations for actions for injury to the person resulting from sexual abuse that occurred during the infancy or incapacity of such person.

HB 1490/SB 17 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).

SB 433 Invocation of constitutional rights in domestic relations cases; adverse inference. Allows the trier of fact in a civil domestic relations proceeding to draw an adverse inference if a party or witness in such a proceeding refuses to answer a question regarding adultery on the grounds that such testimony might be self-incriminating.

SB 1072 Prohibition against appointing certain persons as guardian or conservator. Prohibits, except for good cause shown, the court from appointing as guardian or conservator for a respondent an attorney who has been engaged by the petitioner to represent the petitioner within three calendar years of the appointment. The bill also applies such prohibition to other

attorneys and employees of the law firm with which such attorney is associated. The bill further provides that, in the case of a petitioner that is in a medical care facility, the court may, for good cause shown, order that the reasonable costs for the guardian or conservator be paid by the petitioner during the time the respondent is under the care of such medical care facility.

Failed

HB 759 Strategic lawsuits against public participation; special motion to dismiss; stay of discovery; fees and costs. Establishes a procedure by which a party alleging that a claim filed against him is a strategic lawsuit against public participation (SLAPP), as defined in the bill, may file a special motion to dismiss. The bill provides that the filing of such a special motion to dismiss shall stay discovery proceedings related to the claim, pending the entry of an order adjudicating the special motion to dismiss. The bill provides that a court shall award reasonable expenses related to a special motion to dismiss, including attorney fees and costs, if the moving party prevails, in whole or in part, on such a special motion. The bill allows the court to award such reasonable expenses to a prevailing responding party to a special motion to dismiss if the court finds that such a motion was filed in bad faith or solely with the intent to delay the underlying proceedings.

SB 571 Visitation; petition of grandparent. Requires the court, in petitions for visitation filed by the grandparent of a child where either (i) the parent is the grandparent's child and is deceased, incarcerated, or incapacitated or has had his parental rights terminated or (ii) the grandparent has an established relationship with the child and has provided a significant level of care for the child, to consider the following factors: (a) the historical relationship between the grandparent and child; (b) the motivation of the grandparent in seeking visitation; (c) the motivation of the living parent in denying visitation to the grandparent; (d) the quantity of time requested and the effect it will have on the child's daily activities; and (e) the benefits of maintaining a relationship with the extended family of the deceased parent.

SB 1043 Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. Under current law, such order is permitted only where six or more plaintiffs have filed such actions. The bill further requires the Supreme Court to promulgate rules no later than November 1, 2020, governing such actions.

Passed

HB 33/SB 793 Parole; exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for 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 felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause.

HB 477/SB 546 Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 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 the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report.

HB 618/SB 179 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. The bill 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. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes.

HB 972/SB 2 Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana may be charged by a summons that shall be in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, 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 defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. The bill allows a person charged with a civil offense where he is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge.

Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 1, 2020.

HB 974/SB 511 Petition for writ of actual innocence. Provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency.

Failed

SB 608 Expungement of police and court records; pardons. Allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. The bill also allows a person to petition for an expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, when 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. Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit.

SB 811 Sentencing in a criminal case; jury trial. Provides that in a criminal case the court shall ascertain the extent of the punishment, unless the accused has requested that the jury ascertain punishment or was found guilty of capital murder.

Education

Passed

HB 36 Public institutions of higher education; student journalists; freedom of speech and the press. Declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in institution-sponsored media, including determining the news and opinion content of institution-sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines "institution-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a 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

HB 1012/SB 578 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 Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. 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 also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers

and to publish the initial quality ratings under such system in the fall of 2023.

HB 1508/SB 880 Minimum staffing ratio for school counselors. Requires local school boards to employ school counselors in accordance with the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per day per 75 students, one full-time equivalent 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 equivalent 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 equivalent at 300 students, one additional period per 60 students or major fraction thereof. The bill also requires local school boards to employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective with the 2021-2022 school year.

HB 1547/SB 935 Public institutions of higher education; eligibility for in-state tuition. Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) 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 two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility.

SB 238 Public schools; kindergarten instructional time. Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten, beginning July 1, 2022. The bill directs the Board of Education to adopt regulations by July 1, 2022, 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.

SB 462 Public institutions of higher education; in-state tuition; children of active duty service members or veterans. Provides that any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service is eligible for in-state tuition charges, regardless of domicile.

Failed

HB 811 Institutions of higher education; intercollegiate athletics; student-athletes; compensation and representation. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The foregoing provisions of the bill have a delayed effective date of July 1, 2024, and are limited to students enrolled at a private institution of higher education or baccalaureate public institution of higher education who participate in Division I football in the Football Bowl Subdivision at such institution.

SB 99 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; (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; or (iii) otherwise inquiring about the criminal history of an applicant for

admission prior to the applicant receiving a conditional offer of acceptance from the institution.

SB 847 Public schools; Standards of Learning assessments; report. 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, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than the first day of each Regular Session of the General Assembly.

Elections

Passed

HB 1/SB 111 Absentee voting; no excuse required. 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.

HB 19/SB 65 Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. 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 student identification card issued by any institution of higher education located in any other state or territory of the United States; 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 also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be

permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002.

HB 1255/SB 717 Standards and criteria for congressional and state legislative districts. Provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, that prohibit the drawing of districts in ways that improperly dilute minority populations' voting power. The bill prohibits maps of districts, when considered on a statewide basis, from unduly favoring or disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility.

Failed

HB 758/SB 203 Redistricting; Virginia Redistricting Commission; standards and criteria. Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired

judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis.

The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included.

If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint two special masters to assist in the establishment of districts, from lists submitted by the legislative leaders of the majority and minority political parties.

Carried Over

HB 177 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 Constitution of the United States 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.

Firearms

Passed

HB 2/SB 70 Firearm sales; criminal history record information checks; penalty. Requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred.

HB 9 Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does

not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

HB 421/SB 35 Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold.

HB 674/SB 240 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or 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. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he

knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill.

HB 812/SB 69 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.

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

HB 1083 Allowing access to firearms by minors; penalty.

Increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14.

Carried Over

HB 961 Prohibiting sale, transport, etc., of assault firearms, certain firearm magazines, silencers, and trigger activators; penalties.

Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, possess, or transport silencers, and trigger activators, all defined in the bill. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, or transport a large-capacity firearm magazine, as defined in the bill, and a Class 1 misdemeanor to possess such large-capacity firearm magazine. Any person who legally owns a large-capacity firearm magazine, silencer, or trigger activator on July 1, 2020, may retain possession until January 1, 2021. During that time, such person shall (i) render the large-capacity firearm magazine, silencer, or trigger activator inoperable; (ii) remove the large-capacity firearm magazine, silencer, or trigger activator from the Commonwealth; (iii) transfer the large-capacity firearm magazine, silencer, or trigger activator to a person outside the Commonwealth who is not prohibited from possessing it; or (iv) surrender the large-capacity firearm magazine, silencer, or trigger activator to a state or local law-enforcement agency.

General Laws

Passed

HB 4/SB 36 Lottery Board; regulation of casino gaming.

Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to the following eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and to hold such referendum at the November 2020 general election. The bill imposes a tiered tax structure tied to adjusted gross receipts and provides for the disbursement of tax revenues. The

bill requires the Board to establish 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 establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues.

HB 108/SB 601 Legal holidays; Lee-Jackson Day; 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.

HB 827/SB 712 Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.

Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief.

HB 881/SB 971 Illegal gambling; skill games; penalty.

Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or

distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements.

HB 896/SB 38 Sports betting; Problem Gambling Treatment and Support Fund; penalties. Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights. Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of \$250,000. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of \$200,000. The Director may issue from four to 12 permits at one time and is directed to issue a number of permits that will maximize tax revenue collected pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to applicants that are (i) certain major league sports franchises and (ii) certain casino operators. The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event. The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity. The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun. The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund.

HB 1406/SB 612 Commission for Historical Statues in the United States Capitol; replacement of Robert E. Lee statue in National Statuary Hall Collection. Creates the Commission for Historical Statues in the United States Capitol to determine whether the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol should be replaced and, if so, to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

HB 1424/SB 407 American Revolution 250 Commission; report. Establishes the American Revolution 250 Commission to plan, develop, and perform programs and activities to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States. The bill has an expiration date of July 1, 2027.

SB 868 Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity. Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice.

Health

Passed

HB 180/SB 62/SB 1066 Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data.

HB 386/SB 245 Department of Health Professions; conversion therapy prohibited. Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age.

HB 980/SB 733 Provision of abortion. Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill 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.

HB 1041/SB 657 Board of Health; certificate of birth; change of sex. Requires the State Registrar to issue a new certificate of birth to show a change of sex upon request of the person and, if a certified copy of a court order changing the person's name is submitted, to include the person's new name. The bill provides that requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition but shall not include a

requirement for evidence or documentation of any medical procedure.

HB 1090 Required immunizations. Amends the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center. The bill also requires the State Board of Health to amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based, routinely recommended vaccinations for children and to provide for a 60-day public comment period prior to the adoption of the regulations. In addition, the Department of Health and the Department of Education are directed to jointly review immunization requirements in the Code of Virginia and report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the effectiveness of the required vaccination program in promoting public health by December 1, 2021.

SB 120 Programs to address career fatigue and wellness in certain health care providers; civil immunity. Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant. The bill also clarifies that, absent evidence indicating a reasonable probability that a health care professional who is a participant in a professional program to address issues related to career fatigue or wellness is not competent to continue in practice or is a danger to himself, his patients, or the public, participation in such a professional program does not trigger the requirement that the health care professional be reported to the Department of Health Professions. The bill contains an emergency clause.

SB 976 Board of Pharmacy; pharmaceutical processors; cannabis dispensing facilities. Defines "cannabis dispensing facilities" and allows the Board of Pharmacy to issue up to five permits for cannabis dispensing facilities per health service area. The bill requires the Board to establish a ratio of one pharmacist for every six pharmacy interns, technicians, and technician trainees for pharmaceutical processors and cannabis dispensing facilities. The bill directs the Board of Pharmacy to require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor make a sample available from each homogenized batch of product for testing at an independent laboratory located in Virginia that meets Board requirements.

The bill requires that the Board promulgate regulations that include an allowance for the sale of devices for administration of dispensed products and an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The bill also requires the Board to adopt regulations for pharmaceutical processors that include requirements for (i) processes for safely and securely cultivating cannabis plants intended for producing cannabidiol oil or THC-A oil; (ii) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (iii) the secure disposal of plant remains; (iv) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of tetrahydrocannabinol; and (v) a process for registering cannabidiol oil and THC-A oil products. The bill requires the Board of Pharmacy to promulgate emergency regulations.

Failed

SB 564 Virginia Hearing Loss Identification and Monitoring System; language development for children who are deaf or hard of hearing. Expands the responsibilities of the advisory committee of the Virginia Hearing Loss Identification and Monitoring System to include selecting language development milestones for educators and early intervention specialists for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. The bill requires the addition of at least two language experts to the advisory committee.

SB 858 Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors, defined in the bill as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

Local Government

Passed

HB 696 Local human rights ordinances; sexual orientation and gender identity. Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.

HB 1101/SB 834 Affordable housing dwelling unit ordinances. Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill. Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program.

HB 1537/SB 183 Memorials for war veterans. Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the localities public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. 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 monuments or memorials. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized.

Social Services

Passed

HB 600/SB 593 Licensed family day homes; storage of firearms. Requires that all firearms in a licensed family day home be stored unloaded in a locked container, compartment, or cabinet. The bill also requires that, during the family day home's hours of operation, ammunition be stored separate from all firearms in a locked container, compartment, or cabinet.

HB 933/SB 178 Kinship Guardianship Assistance program; eligibility; fictive kin. Expands eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent.

HB 1209 Department of Social Services; Office of New Americans created. Establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with

securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

Failed

HB 920/SB 570 State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children in foster care. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also expands eligibility for the Federal-Funded Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they have been the foster parent.

Taxation

Passed

HB 200/HB 486/HB 1631/SB 224/SB 943/SB 1028 Additional sales and use tax in certain localities; appropriations to incorporated towns for educational purposes. These bills authorize Charlotte County, Gloucester County, Henry County, Northampton County, Mecklenburg County, Patrick County, Pittsylvania County, and the City of Danville 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 the locality enacting the tax. Under current law, only Halifax County has the authority to impose such tax.

HB 785/SB 588 Local tax authority. Modifies or eliminates several restrictions that apply to taxes imposed by counties and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent.

HB 1407/SB 744 Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.

Failed

HB 734 Income tax; rolling conformity with the Internal Revenue Code. Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. However, the bill also provides that unless subsequently adopted by the General Assembly, Virginia shall not conform to any amendments to the Internal Revenue Code that have an impact of \$10 million or more on Virginia tax revenues in the fiscal year in which the amendment was enacted or any of the next four years. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and Appropriations and the House Committees on Appropriations and Finance, shall be responsible for

determining when an amendment meets these criteria. The bill applies to taxable years beginning on and after January 1, 2019.

Technology

Passed

HB 742 Local regulation of unmanned aircraft. Authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. The bill has a delayed effective date of January 1, 2021.

HB 817 Department of Education; Department of Health; guidelines for use of digital devices in public schools. Requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year.

HB 1082 Emergency Services and Disaster Law; definition of disaster; incidents involving cyber systems. Defines "cyber incident" for purposes of the Emergency Services and Disaster Law as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. The bill provides that a cyber incident may include a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source.

SB 630 Common interest communities; electric vehicle charging stations permitted. Prohibits certain common interest community associations from prohibiting the installation of an electric vehicle charging station within the boundaries of a member's unit or limited common element parking space appurtenant to the unit owned by the unit owner or, in the case of a property owners' association, a lot owner's property, and sets forth provisions governing the installation and removal of such charging stations. The bill also requires the association

member installing an electric vehicle charging station to indemnify and hold the association harmless from all liability resulting from a claim arising out of the installation, maintenance, operation, or use of such charging station.

Carried Over

HB 1215 Biometric data; employer policy on storage, protection, and destruction; civil penalty. Establishes the parameters for the capture and safekeeping of biometric data by employers. The bill defines "biometric data" as a retina or iris scan, fingerprint, voiceprint, record of hand or face geometry, or any other means of information, regardless of how it is captured or stored, that is used to identify an individual based on biological identifiers. Once the purpose for capturing the data is complete, or after three years from the date it is last used for its initial purpose, whichever occurs first, the biometric data must be destroyed. An employer who violates the requirements of the bill is subject to a civil penalty of not more than \$25,000 for each violation. The bill also provides a right of action against employers who violate the parameters of capturing and safekeeping biometric data.

Transportation Finance

Passed

HB 1414/SB 890 Transportation. Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed. Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles are subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles and prohibits a person from being issued a citation for both an expired motor

vehicle inspection sticker and faulty equipment. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program.

HB 1541 Creation of the Central Virginia Transportation Authority; funding. Creates the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15. The Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel. The gas tax rates are indexed for inflation.

HB 1726/SB 1038 Hampton Roads Regional Transit Program. Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program is funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys will be deposited into the Hampton Roads Regional Transit Fund, created by the bill.

Transportation/Motor Vehicles

Passed

HB 874/SB 160 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal

communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021.

HB 1211/SB 34 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 or been claimed as a dependent 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 limits the release of certain information stored by the Department. 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 authorizes 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 information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021.

HB 1442 Photo speed monitoring devices; civil penalty. Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at

least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police.

Failed

HB 983/SB 644 Traffic incident management vehicles. Authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with sirens and flashing red or red and white secondary warning lights and to be exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident.

SB 907 Transportation safety. Requires all passengers in a vehicle to wear safety belts and allows localities to lower the speed limit below 25, but not less than 15, miles per hour in business and residential districts.

DIVISION OF LEGISLATIVE SERVICES

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