



# **Legislative Subcommittee Meeting**

## **Legislative Bills Docket**

January 24, 2020

## PRINCIPLES (Consent)

### Gun Safety

**SB479** Protective orders; possession of firearms, surrender or transfer of firearms, penalty.

#### **SUPPORT**

Last Action: Reported from Judiciary with substitute (10-Y 4-N) (January 22, 2020)

Primary Sponsor: Janet D. Howell

Summary: 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 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.

**SB490** Firearms; purchase, possession, etc., following a conviction.

#### **SUPPORT**

Last Action: Moved from Courts of Justice to Judiciary due to a change of the committee name (January 8, 2020)

Primary Sponsor: Barbara A. Favola

Summary: 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.

**HB812** Handguns; limitation on purchases, penalty.

#### **WATCH**

Last Action: Referred to Committee on Public Safety (January 7, 2020)

Primary Sponsor: Jeion A. Ward

Summary: Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and makes such an offense a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background

check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, and (vi) purchases of antique firearms.

**HB853** Firearms; recklessly allowing access to certain persons, penalty.

**WATCH**

Last Action: Referred to Committee on Public Safety (January 7, 2020)

Primary Sponsor: Kathleen Murphy

Summary: 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.

**HB856** Protective orders; possession of firearms, surrender or transfer of firearms, penalty.

**WATCH**

Last Action: Referred to Committee on Public Safety (January 7, 2020)

Primary Sponsor: Kathleen Murphy

Summary: 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.

..... **War Memorials**

**HB1625** Veterans; war memorials.

**SUPPORT**

Last Action: Referred to Committee on Counties, Cities and Towns (January 16, 2020)

Primary Sponsor: Sally L. Hudson

Summary: 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.

..... **Transportation Safety**

**HB635** Traffic incident management vehicles; exempt from certain regulations.

**SUPPORT**

Last Action: Incorporated by Transportation (HB983-Delaney) by voice vote (January 21, 2020)

Primary Sponsor: Dave A. LaRock

Summary: Traffic incident management vehicles. Adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights.

**HB1644** Vehicles stopped at crosswalks; prohibition on passing.

**SUPPORT**

Last Action: Assigned Transportation sub: Motor Vehicles (January 21, 2020)

Primary Sponsor: Kenneth R. Plum

Summary: 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.

**HB1705** Pedestrians; drivers to stop when yielding the right-of-way.

**SUPPORT**

Last Action: Referred to Committee on Transportation (January 17, 2020)

Primary Sponsor: Kaye Kory

Summary: Yielding the right-of-way to pedestrians; stopping. Clarifies the duties of vehicle drivers to stop when yielding to pedestrians at (i) clearly marked crosswalks, whether at midblock or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments.

**SB437** Bicyclists and other vulnerable road users; penalty.

**SUPPORT**

Last Action: Read third time and passed Senate (25-Y 15-N) (January 22, 2020)

Primary Sponsor: Scott A. Surovell

Summary: 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.

**HB1721** Handheld speed monitoring devices; civil penalty.

**WATCH**

Last Action: Referred to Committee on Transportation (January 17, 2020)

Primary Sponsor: Chris L. Hurst

Summary: 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.

## ..... Distracted Driving

**HB874** Handheld personal communications devices; holding devices while driving a motor vehicle.

### **SUPPORT**

Last Action: Assigned Transportation sub: Motor Vehicles (January 15, 2020)

Primary Sponsor: Jeffrey M. Bourne

Summary: 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.

**HB1672** Handheld personal communications device; use by the operator of a motor vehicle.

### **SUPPORT**

Last Action: Assigned Transportation sub: Motor Vehicles (January 21, 2020)

Primary Sponsor: R. Lee Ware

Summary: 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.

**SB932** Handheld personal communications devices; use in school zones and school property, penalty.

### **SUPPORT**

Last Action: Referred to Committee on Transportation (January 10, 2020)

Primary Sponsor: Jennifer A. Kiggans

Summary: 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.

**HB978** Improper driving; driving without full attention to operation of vehicle.

**WATCH**

Last Action: Assigned Transportation sub: Motor Vehicles (January 14, 2020)

Primary Sponsor: Dave A. LaRock

Summary: 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.

..... **Fair Housing**

**HB1104** Inclusionary housing; localities may create, etc., programs.

**SUPPORT**

Last Action: Referred to Committee on General Laws (January 17, 2020)

Primary Sponsor: Sally L. Hudson

Summary: 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.

**HB1663** Discrimination; prohibited in public accommodations, etc., causes of action.

**SUPPORT**

Last Action: Referred to Committee on General Laws (January 17, 2020)

Primary Sponsor: Mark D. Sickles

Summary: Prohibited discrimination; public accommodations, employment, credit, and housing: causes of action; sexual orientation and gender identity. Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but



fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment 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, pregnancy, childbirth or related medical conditions, marital status, or status as a veteran as an unlawful housing practice. The bill makes technical amendments.

**HB1669** Landlord and tenant; charge for late payment of rent, restrictions.

**SUPPORT**

Last Action: Referred to Committee on General Laws (January 17, 2020)

Primary Sponsor: Christopher E. Collins

Summary: 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.

..... **Non-Discrimination**

**HB1050** Discrimination; prohibited in public accommodations, employment, credit, etc.

**SUPPORT**

Last Action: Assigned GL sub: Housing/Consumer Protection (January 15, 2020)

Primary Sponsor: Mark H. Levine

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

**HB1051** Child-placing agencies; conscience clause, discrimination.

**SUPPORT**

Last Action: Assigned HWI sub: Social Services (January 14, 2020)

Primary Sponsor: Mark H. Levine

Summary: 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.

## Public Health

**HB864** Infected sexual battery; knowledge of convicted person.

### SUPPORT

Last Action: Referred to Committee for Courts of Justice (January 7, 2020)

Primary Sponsor: Mark H. Levine

Summary: 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.

## Public Safety

**HB1015** Virginia Sexual and Domestic Violence Prevention Fund; created, report.

### SUPPORT

Last Action: Assigned App. sub: Health & Human Resources (January 22, 2020)

Primary Sponsor: Charniele L. Herring

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

Amendments:

[House subcommittee amendments and substitutes adopted](#)

[House committee, floor amendments and substitutes offered](#)

[House committee amendments reported](#)

**HB424** School resource officers; required in every school.

### OPPOSE

Last Action: Assigned Education sub: Pre-K-12 (January 15, 2020)

Primary Sponsor: John J. McGuire, III

Summary: 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.

**HB867** Victims of domestic violence; shelters may be established.



**OPPOSE**

Last Action: Referred to Committee for Courts of Justice (January 7, 2020)

Primary Sponsor: Nicholas J. Freitas

Summary: 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.

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**Procurement**

**HB346** Small Business and Supplier Diversity, Department of; redefines "small business."

**SUPPORT**

Last Action: Assigned GL sub: Open Government/Procurement (January 17, 2020)

Primary Sponsor: Glenn R. Davis

Summary: 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.

**HB359** Virginia Public Procurement Act; consideration of best value concepts for construction services.

**SUPPORT**

Last Action: Assigned GL sub: Open Government/Procurement (January 17, 2020)

Primary Sponsor: Alfonso H. Lopez

Summary: 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.

**HB452** Virginia Public Procurement Act; small purchases.

**SUPPORT**

Last Action: Assigned GL sub: Open Government/Procurement (January 17, 2020)

Primary Sponsor: Kathleen Murphy

Summary: 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.

**HB890** Construction management and design-build contracting; use by local public bodies.

**SUPPORT**

Last Action: Assigned GL sub: Open Government/Procurement (January 17, 2020)

Primary Sponsor: Mark D. Sickles

Summary: Construction management and design-build 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 the threshold for such use shall be consistent with the threshold established in the procedures adopted by the Secretary of Administration for using construction management or design-build contracts.

**HB1078** Virginia Public Procurement Act; process for competitive negotiation, etc.**SUPPORT**

Last Action: Assigned GL sub: Open Government/Procurement (January 17, 2020)

Primary Sponsor: Patrick A. Hope

Summary: Virginia Public Procurement Act; process for competitive negotiation; including employment of persons with a disability as a factor in evaluating proposals. Provides that a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal.

**SB380** Virginia Public Procurement Act; determination of nonresponsibility, local option.**SUPPORT**

Last Action: Reported from General Laws and Technology with amendments (13-Y 0-N) (January 22, 2020)

Primary Sponsor: Jeremy S. McPike

Summary: 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 possesses the moral and business integrity and reliability that will assure good faith performance that is required of a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws.

Amendments:

[Senate amendments](#)

**SB487** Virginia Public Procurement Act; architectural and professional engineering term contracts.**SUPPORT**

Last Action: Read third time and passed Senate (40-Y 0-N) (January 21, 2020)

Primary Sponsor: John J. Bell

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

**HB847** Virginia Public Procurement Act; statute of limitations on actions on construction contracts.**SUPPORT**

Last Action: Referred to Committee for Courts of Justice (January 21, 2020)

Primary Sponsor: Chris S. Runion

Summary: 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.

**HB1202** Project labor agreements; public procurement by local governments.

**OPPOSE**

Last Action: Assigned GL sub: Open Government/Procurement (January 17, 2020)

Primary Sponsor: Kathy K.L. Tran

Summary: 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.

**SB195** Virginia Public Procurement Act; statute of limitations on actions on construction contracts.

**OPPOSE**

Last Action: Rereferred to Judiciary (January 15, 2020)

Primary Sponsor: John A. Cosgrove, Jr.

Summary: 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.

**SB607** Virginia Public Procurement Act; statute of limitations on actions on construction contracts.

**OPPOSE**

Last Action: Rereferred to Judiciary (January 15, 2020)

Primary Sponsor: Thomas K. Norment, Jr.

Summary: 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.

**SB645** Local arbitration agreements; disclosure of certain information.

**OPPOSE**

Last Action: Referred to Committee on General Laws and Technology (January 7, 2020)

Primary Sponsor: Scott A. Surovell

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

**HB558** Micro-business; enhancement of participation in local procurement.

**WATCH**

Last Action: Assigned CC & T sub: Land Use (January 17, 2020)

Primary Sponsor: Joseph C. Lindsey

Summary: 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.

**SB475** Virginia Public Procurement Act; use of best value contracting.

**WATCH**

Last Action: Referred to Committee on General Laws and Technology (January 7, 2020)

Primary Sponsor: John J. Bell

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

value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth in the bill.

## Trees

**HB221** Tree conservation ordinance; Chesapeake Bay Preservation Act locality, designated trees.

### SUPPORT

Last Action: Assigned ACNR sub: Chesapeake (January 14, 2020)

Primary Sponsor: Martha M. Mugler

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

**HB504** Chesapeake Bay Preservation Areas; preservation of mature trees.

### SUPPORT

Last Action: Subcommittee recommends reporting with amendments (7-Y 1-N) (January 20, 2020)

Primary Sponsor: Patrick A. Hope

Summary: Chesapeake Bay Preservation Areas; mature trees. Adds the preservation of mature trees, both as a stormwater management tool and as a means of providing other benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas.

Amendments:

[House subcommittee amendments and substitutes adopted](#)

[House committee, floor amendments and substitutes offered](#)

**HB520** Trees; DEQ to convene advisory to study planting or preservation.

### SUPPORT

Last Action: Subcommittee recommends reporting with substitute (8-Y 0-N) (January 20, 2020)

Primary Sponsor: David L. Bulova

Summary: Department of Environmental Quality; tree planting as land cover type, best management practice; stakeholder 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 a 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.

Amendments:

[House subcommittee amendments and substitutes adopted](#)

**HB1329** Chesapeake Bay; Resource Protection Areas, tree removal.

### SUPPORT

Primary Sponsor: Kaye Kory

Summary: Chesapeake Bay; Resource Protection Areas; tree removal. Directs the State Water Control Board, when developing criteria for use by localities in addressing Resource Protection Areas (RPAs) under the Chesapeake Bay Preservation Act, to require that any local ordinance addressing permitted modifications of the buffer area include specific penalties for the removal of trees from an RPA without the prior approval of the locality.

**HB1045** Tree-replacement ordinance; banking.

**WATCH**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: Paul E. Krizek

Summary: 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.

..... **Disposable Plastics**

**SB193** Single-use plastic and expanded polystyrene products; local prohibition, local tax.

**SUPPORT**

Last Action: Rereferred to Finance and Appropriations (January 20, 2020)

Primary Sponsor: Barbara A. Favola

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

**SB198** Disposable plastic shopping bags; local option.

**SUPPORT**

Last Action: Rereferred to Finance and Appropriations (January 20, 2020)

Primary Sponsor: Mamie E. Locke

Summary: 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.

**HB1673** Plastic bag tax; use of revenues.

**WATCH**

Last Action: Referred to Committee on Finance (January 17, 2020)

Primary Sponsor: R. Lee Ware

Summary: 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.

..... **ABC Licenses**

**SB689** Alcoholic beverage control; privileges of local special events licensees.

**SUPPORT**

Last Action: Referred to Committee on Rehabilitation and Social Services (January 7, 2020)

Primary Sponsor: Jill Holtzman Vogel

Summary: Alcoholic beverage control; privileges of local special events licensees. Allows a local special events license to be issued to a local historic district that has been designated by a locality. The bill removes the provision limiting local special events licenses to only 12 special events per year.

**PRIORITIES** (Consent)..... **Transportation Funding**

**HB1586** Washington Metropolitan Area Transit Authority; allocation of funds.

**SUPPORT**

Last Action: Assigned App. sub: Transportation & Public Safety (January 16, 2020)

Primary Sponsor: Vivian E. Watts

Summary: 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.

**HB642** Transportation funding; statewide prioritization process.

**OPPOSE**

Last Action: Assigned Transportation sub: Transportation Systems (January 14, 2020)

Primary Sponsor: Dave A. LaRock

Summary: 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.

**SB417** Northern Virginia Transportation Authority; use of certain revenues.

**OPPOSE**

Last Action: Referred to Committee on Transportation (January 7, 2020)

Primary Sponsor: J. Chapman Petersen

Summary: Use of certain revenues by Northern Virginia Transportation Authority. Allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority.

**SB1016** Transportation funding; statewide prioritization process.

**OPPOSE**

Last Action: Referred to Committee on Finance and Appropriations (January 16, 2020)

Primary Sponsor: William M. Stanley, Jr.

Summary: 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.

..... **Taxation**

**HB1581** Delinquent real property taxes; correction of tax records.

**SUPPORT**

Last Action: Referred to Committee on Finance (January 14, 2020)

Primary Sponsor: Steve E. Heretick

Summary: 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.

**HB1582** Delinquent tax lands; threshold for nonjudicial sale.

**SUPPORT**

Last Action: Referred to Committee on Finance (January 14, 2020)

Primary Sponsor: Steve E. Heretick

Summary: Delinquent tax lands; threshold for nonjudicial 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.

**HB1583** Treasurers, local; power to summon taxpayers and other persons.

**SUPPORT**

Last Action: Referred to Committee on Finance (January 14, 2020)

Primary Sponsor: Steve E. Heretick

Summary: 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.

**HB1708** Electronic gaming machines; municipal taxation.

**SUPPORT**

Last Action: Referred to Committee on General Laws (January 17, 2020)

Primary Sponsor: Roslyn C. Tyler

Summary: 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.

**HB342** Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales.

**OPPOSE**

Last Action: Assigned Finance sub: Subcommittee #2 (January 14, 2020)

Primary Sponsor: Robert B. Bell

Summary: 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.

**SB962** Income and receipts taxes on public service corporations; authorizing localities.**OPPOSE**

Last Action: Referred to Committee on Finance and Appropriations (January 14, 2020)

Primary Sponsor: Frank M. Ruff, Jr.

Summary: 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.

..... **Weapons in Government Buildings**

**SB1009** Firearm-free zones designated by the Commonwealth or a locality; regulation of weapons.**OPPOSE**

Last Action: Referred to Committee on the Judiciary (January 16, 2020)

Primary Sponsor: Amanda F. Chase

Summary: 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.

**HB669** Concealed handguns; carrying with a permit by employees of any agency of the Commonwealth, etc.**WATCH**

Last Action: Subcommittee recommends laying on the table (5-Y 3-N) (January 21, 2020)

Primary Sponsor: Mark L. Cole

Summary: 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.

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**Carbon Free Resources**

**HB654** Clean energy projects; authorizes DMME to sponsor a statewide financing program.

**SUPPORT**

Last Action: Assigned CC & T sub: Land Use (January 17, 2020)

Primary Sponsor: Nancy D. Guy

Summary: 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.

**HB1526** Virginia Clean Economy Act.

**SUPPORT**

Last Action: Committee Referral Pending (January 14, 2020)

Primary Sponsor: Richard C. "Rip" Sullivan, Jr.

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

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

#### **SB1061** C-PACE loans; residential dwellings and condominiums.

##### **SUPPORT**

Last Action: Referred to Committee on General Laws and Technology (January 17, 2020)

Primary Sponsor: J. Chapman Petersen

Summary: 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.

**HB110** Regional Greenhouse Gas Initiative; trading allowance reserve account, etc.

**OPPOSE**

Last Action: Referred to Committee on Labor and Commerce (January 22, 2020)

Primary Sponsor: R. Lee Ware

Summary: 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.

**HB1628** Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.

**OPPOSE**

Last Action: Assigned L & C sub: Subcommittee #3 (January 21, 2020)

Primary Sponsor: Charles D. Poindexter

Summary: 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.

(END OF CONSENT)

**OTHER BILLS OF INTEREST**

..... **Marked for Discussion**

**HB327** Public employees; collective bargaining.

**WATCH**

Last Action: Assigned L & C sub: Subcommittee #1 (January 16, 2020)

Primary Sponsor: Mark H. Levine

Summary: 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.

**HB582** Collective bargaining for public employees; labor organization representation.

**WATCH**

Last Action: Referred to Committee on Labor and Commerce (January 6, 2020)

Primary Sponsor: Elizabeth R. Guzman

Summary: 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.

**SB939** Counties, cities, and towns; labor and employment, collective bargaining.

**WATCH**

Last Action: Referred to Committee on Commerce and Labor (January 13, 2020)

Primary Sponsor: Richard L. Saslaw

Summary: 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, 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.

**SB1022** Collective bargaining for public employees; labor organization representation.

**WATCH**

Last Action: Referred to Committee on Commerce and Labor (January 16, 2020)

Primary Sponsor: Jennifer B. Boysko

Summary: 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.

[SB839](#) Zoning; permitted provisions in ordinance, worker protection.

**WATCH**

Last Action: Referred to Committee on Local Government (January 8, 2020)

Primary Sponsor: Adam P. Ebbin

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

..... **Tax Exemptions**

[HB679](#) Real and personal property tax exemptions; repeals exemptions.

**WATCH**

Last Action: Assigned Finance sub: Subcommittee #2 (January 14, 2020)

Primary Sponsor: Dave A. LaRock

Summary: Real and personal property tax exemptions. Repeals the property tax exemptions for all nonprofit entities that were granted by the General Assembly by designation, effective July 1, 2025. Any locality may grant property tax exemptions to any such organizations to become effective on or after that date.

..... **Vehicle Sharing**

[HB891](#) Peer-to-peer vehicle sharing platforms; establishes sale of insurance, etc., for platforms.

**SUPPORT**

Last Action: Assigned CT & I sub: Communications (January 16, 2020)

Primary Sponsor: Mark D. Sickles

Summary: Peer-to-peer vehicle sharing platforms; regulation; insurance; taxation. Establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill.

[HB892](#) Peer-to-peer vehicle sharing platforms; definition, taxation.

**SUPPORT**

Last Action: Referred to Committee on Finance (January 7, 2020)

Primary Sponsor: Mark D. Sickles

Summary: Peer-to-peer vehicle sharing platforms; taxation. Provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are rentors for the purposes of taxation.

[SB749](#) Peer-to-peer vehicle sharing platforms; establishes sale of insurance, etc., for platforms.

**SUPPORT**

Last Action: Referred to Committee on Commerce and Labor (January 8, 2020)

Primary Sponsor: John A. Cosgrove, Jr.

Summary: Peer-to-peer vehicle sharing platforms; regulation; insurance; taxation. Establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill.

**SB750** Peer-to-peer vehicle sharing platforms; definition, taxation.

**SUPPORT**

Last Action: Referred to Committee on Finance and Appropriations (January 8, 2020)

Primary Sponsor: John A. Cosgrove, Jr.

Summary: Peer-to-peer vehicle sharing platforms; taxation. Provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation.

**HB1539** Peer-to-peer vehicle sharing platforms; establishes requirement.

**OPPOSE**

Last Action: Assigned CT & I sub: Communications (January 16, 2020)

Primary Sponsor: Jerrauld C. "Jay" Jones

Summary: 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.

**SB735** Peer-to-peer vehicle sharing platforms; establishes requirements.

**OPPOSE**

Last Action: Referred to Committee on Commerce and Labor (January 8, 2020)

Primary Sponsor: Stephen D. Newman

Summary: 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.

..... **Localities**

**HB585** Comprehensive plan; localities to promote transit-oriented development.

**SUPPORT**

Last Action: Assigned CC & T sub: Land Use (January 17, 2020)

Primary Sponsor: Elizabeth R. Guzman

Summary: Comprehensive plan; transit-oriented development. Requires that each locality incorporate 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.

**HB726** Comprehensive plan; extends time for approval by locality.

**SUPPORT**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: David A. Reid

Summary: Comprehensive plan. Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment from 90 to 180 days.

**HB1587** Investment of public funds; ratings agencies.

**SUPPORT**

Last Action: Assigned GL sub: Professions/Occupations and Administrative Process (January 22, 2020)

Primary Sponsor: Patrick A. Hope

Summary: 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.

**SB746** Comprehensive plan; adoption or disapproval by governing body.

**SUPPORT**

Last Action: Printed as engrossed 20105016D-E (January 22, 2020)

Primary Sponsor: John J. Bell

Summary: Comprehensive plan. Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment from 90 to 180 days.

Amendments:

[Senate amendments](#)

**SB869** Hearing notice by localities; timely notice related to planning or zoning matter to newspaper, etc.

**SUPPORT**

Last Action: Referred to Committee on Local Government (January 8, 2020)

Primary Sponsor: Bill DeSteph

Summary: Hearing notice by localities. Provides that if a locality has submitted a timely notice request related to a planning or zoning matter to a newspaper of general circulation and the newspaper fails to publish the notice, a locality shall be deemed to have met public hearing notice requirements so long as notice of the agenda, including the item intended for publication in the newspaper, was published on the locality's website at least three weeks before the hearing.

**HB1480** Pet shops; local regulation on sale of animals.

**SUPPORT**

Last Action: Assigned ACNR sub: Agriculture (January 14, 2020)

Primary Sponsor: Wendy W. Gooditis

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

**HB1590** Air cannons; local regulation.

**SUPPORT**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: G. "John" Avoli

Summary: 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.

**SB340** Overgrown vegetation; local authority.**SUPPORT**

Last Action: Read third time and passed Senate (33-Y 7-N) (January 16, 2020)

Primary Sponsor: Mamie E. Locke

Summary: 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 possesses the moral and business integrity and reliability that will assure good faith performance that is required of a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws.

Amendments:

[Senate amendments](#)

**SB631** Abandoned and stolen shopping carts; local regulation.**SUPPORT**

Last Action: Printed as engrossed 20104457D-E (January 22, 2020)

Primary Sponsor: Scott A. Surovell

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

Amendments:

[Senate amendments](#)

**HB662** Local grievance procedure; incorporates certain provisions.**OPPOSE**

Last Action: Assigned CC & T sub: Land Use (January 17, 2020)

Primary Sponsor: Michael P. Mullin

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

**HB670** Door-locking mechanisms; installation in locality-owned buildings.**WATCH**

Last Action: Assigned CC & T sub: Land Use (January 17, 2020)

Primary Sponsor: Mark L. Cole



Summary: Door-locking mechanisms; locality-owned buildings. Provides that no locality-owned building shall be prohibited from installing or using door-locking mechanisms on doors and windows for the purpose of preventing both ingress and egress in the event of a threat to the physical security of persons in such building.

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## Employee/Employer

[HB416](#) Wage or salary history; inquiries prohibited, civil penalty.

### SUPPORT

Last Action: Assigned L & C sub: Subcommittee #1 (January 14, 2020)

Primary Sponsor: Joshua G. Cole

Summary: Wage or salary history inquiries prohibited; civil penalty. Prohibits a prospective employer from (i) requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history, (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.

[HB1555](#) Income tax, state and corporate; deduction for commuter benefits provided by an employer.

### SUPPORT

Last Action: Referred to Committee on Finance (January 12, 2020)

Primary Sponsor: Vivian E. Watts

Summary: Income tax deduction for commuter benefits provided by an employer. Establishes, starting in taxable year 2020, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee.

[HB757](#) Public employment; limitations on inquiries by state agencies and localities regarding arrests.

### SUPPORT

Last Action: Assigned GL sub: Professions/Occupations and Administrative Process (January 15, 2020)

Primary Sponsor: Lashrecse D. Aird

Summary: 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.

[HB480](#) Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.

### WATCH

Last Action: Assigned App. sub: Compensation & General Government (January 14, 2020)

Primary Sponsor: Suhas Subramanyam

Summary: 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.

..... **Workers' Compensation**

**HB1596** Workers' compensation; psychological injuries.

**OPPOSE**

Last Action: Assigned L & C sub: Subcommittee #1 (January 20, 2020)

Primary Sponsor: Kathleen Murphy

Summary: 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.

**HB438** Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.

**WATCH**

Last Action: Assigned L & C sub: Subcommittee #1 (January 14, 2020)

Primary Sponsor: Steve E. Heretick

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

..... **Boards & Commissions**

**HB589** Community services boards; funding formula, population and need.

**OPPOSE**

Last Action: Referred to Committee on Health, Welfare and Institutions (January 6, 2020)

Primary Sponsor: Elizabeth R. Guzman

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

..... **Human Services**

**HB391** Food stamps; eligibility, drug-related felonies.

**SUPPORT**

Last Action: Assigned HWI sub: Social Services (January 14, 2020)

Primary Sponsor: Don L. Scott

Summary: Eligibility for food stamps; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, a person otherwise eligible to receive food stamp benefits shall not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and fulfills any other obligations as determined by the Department of Social Services.

**HB566** Food stamps and TANF; eligibility, drug-related felonies.

**SUPPORT**

Last Action: Assigned HWI sub: Social Services (January 14, 2020)

Primary Sponsor: Elizabeth R. Guzman

Summary: Eligibility for food stamps and TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department of Social Services. The bill also provides that a person who is otherwise eligible to receive TANF benefits shall not be denied such assistance solely because he has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250.

**HB690** Temporary Assistance to Needy Families (TANF); family cap.

**SUPPORT**

Last Action: Assigned App. sub: Health & Human Resources (January 22, 2020)

Primary Sponsor: Lashrecse D. Aird

Summary: 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.

**HB786** Food stamps; eligibility, drug-related felonies.

**SUPPORT**

Last Action: Assigned HWI sub: Social Services (January 14, 2020)

Primary Sponsor: Lamont Bagby

Summary: Eligibility for food stamps; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, a person otherwise eligible to receive food stamp benefits shall not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and fulfills any other obligations as determined by the Department of Social Services.

**HB814** TANF; eligibility for drug-related felonies.

**SUPPORT**

Last Action: Assigned HWI sub: Social Services (January 14, 2020)

Primary Sponsor: Jeion A. Ward

Summary: 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.

**HB778** Family assessments; increases timeline for completion.

**SUPPORT**

Last Action: Reported from Health, Welfare and Institutions (22-Y 0-N) (January 21, 2020)

Primary Sponsor: Jerrauld C. "Jay" Jones

Summary: Family assessments; timeline. Increases from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services and removes the local department's opportunity to request a 15-day extension.

**HB828** Assisted living facilities and group homes; location.

**OPPOSE**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: Richard C. "Rip" Sullivan, Jr.

Summary: 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.

**HB829** Group homes; license application, notice to locality.

**OPPOSE**

Last Action: Assigned HWI sub: Behavioral Health (January 17, 2020)

Primary Sponsor: Richard C. "Rip" Sullivan, Jr.

Summary: 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.

**SB412** Family assessments; increases timeline for completion.

**WATCH**

Last Action: Read third time and passed Senate (40-Y 0-N) (January 22, 2020)

Primary Sponsor: David W. Marsden

Summary: Family assessments; timeline. Increases from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services and removes the local department's opportunity to request a 15-day extension.

..... **Guardianship**

**SB501** Adoption and foster care; persons authorized to conduct home studies.

**OPPOSE**

Last Action: Rereferred to Finance and Appropriations (January 17, 2020)

Primary Sponsor: Bryce E. Reeves

Summary: 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.

Amendments:

[Senate amendments](#)

**HB917** Kinship Guardianship Assistance program; expands eligibility, fictive kin.

**WATCH**

Last Action: Assigned HWI sub: Welfare (January 14, 2020)

Primary Sponsor: Emily M. Brewer

Summary: 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.

**HB918** Emergency custody and temporary detention orders; execution.

**WATCH**

Last Action: Referred to Committee on Health, Welfare and Institutions (January 7, 2020)

Primary Sponsor: Kelly K. Convirs-Fowler

Summary: 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.

**HB920** State-Funded Kinship Guardianship Assistance program; created.

**WATCH**

Last Action: Assigned HWI sub: Welfare (January 14, 2020)

Primary Sponsor: Emily M. Brewer

Summary: 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.

..... **Justice**

**SB491** Inquiry and report of immigration status; persons charged with or convicted of certain crimes.

**SUPPORT**

Last Action: Moved from Courts of Justice to Judiciary due to a change of the committee name (January 8, 2020)

Primary Sponsor: Scott A. Surovell

Summary: 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.

..... **Human Trafficking**

**HB1006** Human trafficking; assessments by local departments.

**SUPPORT**

Last Action: Assigned HWI sub: Welfare (January 14, 2020)

Primary Sponsor: Charniele L. Herring

Summary: 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.

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**Flood Plain**

**HB998** Flood plain; adoption of ordinances.

**SUPPORT**

Last Action: Referred to Committee on Counties, Cities and Towns (January 7, 2020)

Primary Sponsor: C.E. Cliff Hayes, Jr.

Summary: 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.

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**Stormwater**

**HB1609** Nutrient credit use; land-disturbing activity by wastewater utility.

**SUPPORT**

Last Action: Referred to Committee on Agriculture, Chesapeake and Natural Resources (January 16, 2020)

Primary Sponsor: Martha M. Mugler

Summary: Nutrient credit use; land-disturbing activity by wastewater utility. Provides that when a publicly owned wastewater treatment works conducts land-disturbing activities in order to construct or expand a facility, it may comply with the water quality requirements associated with such land-disturbing activities by generating and using point source nutrient credits through the operation of its existing treatment facilities. The bill requires the treatment works to notify the Department of Environmental Quality of its plan and to adopt a ratio of 10 point source nitrogen credits for each point source phosphorus credit used. The bill contains technical amendments.

**HB882** Stormwater management; proprietary best management practices, reciprocity.

**SUPPORT**

Last Action: Subcommittee recommends reporting with substitute (8-Y 0-N) (January 20, 2020)

Primary Sponsor: David L. Bulova

Summary: Stormwater management; proprietary best management practices; reciprocity. Directs the State Water Control Board to adopt regulations providing reciprocity with only those state, regional, or national certification programs that verify and certify nutrient removal best management practices.

Amendments:

[House subcommittee amendments and substitutes offered](#)

[House subcommittee amendments and substitutes adopted](#)

**SB747** Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.

**OPPOSE**

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 8, 2020)

Primary Sponsor: Emmett W. Hanger, Jr.

Summary: 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 credit generation requirements.

**SB1067** Regulation of stormwater; airports.

**OPPOSE**

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 17, 2020)

Primary Sponsor: Jennifer A. Kiggans

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

**SB843** Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.

**WATCH**

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 8, 2020)

Primary Sponsor: J. Chapman Petersen

Summary: 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.

**HB1464** Restrict nutrient credit usage; local authority.

**WATCH**

Last Action: Assigned ACNR sub: Chesapeake (January 14, 2020)

Primary Sponsor: Wendy W. Gooditis

Summary: Local authority to restrict nutrient credit usage. Authorizes the governing body of any locality, by ordinance, to restrict the total nutrient credits that are generated in the locality and used in an adjacent eight-digit hydrologic unit code or fourth order subbasin to comply with stormwater nonpoint nutrient runoff water quality criteria.

**SJ53** Stormwater Local Assistance Fund; DEQ to study revised priority ranking criteria for grants.

**WATCH**

Last Action: Referred to Committee on Rules (January 8, 2020)

Primary Sponsor: Lynwood W. Lewis, Jr.

Summary: 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) (the Department) 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 Department 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.

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**Utilities****HB206** Electric utility regulation; retail customer choice.**SUPPORT**

Last Action: Assigned L & C sub: Subcommittee #3 (January 14, 2020)

Primary Sponsor: R. Lee Ware

**Summary:** 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 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 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.

**HB1052** Telecommunications services; provision by local governments.

**SUPPORT**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: Mark H. Levine

Summary: 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.

**HB1677** Electric utility regulation; retail customer choice.

**SUPPORT**

Last Action: Assigned L & C sub: Subcommittee #3 (January 21, 2020)

Primary Sponsor: Mark L. Keam

Summary: 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 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 utility 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 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.

**SB851** Electric utility regulation; environmental goals.

**SUPPORT**

Last Action: Assigned C&L sub: Energy (January 23, 2020)

Primary Sponsor: Jennifer L. McClellan

Summary: Electric utility regulation; environmental goals. Replaces the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS that applies to electric utilities and licensed competitive suppliers. Under the mandatory RPS, utilities and suppliers are required to produce their electricity from 100 percent renewable sources by 2050, with annual steps that direct the electricity be generated in specific percentages in nine tiers or sub-tiers. A utility or supplier that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to low-income, disability, veteran, and age-qualifying energy efficiency programs; additional energy efficiency measures for public facilities; coastal resiliency efforts; and administrative costs. Among other things, the measure also (i) adopts a 2,400 megawatt energy storage deployment target for the Commonwealth and requires the State Corporation Commission (the Commission) to adopt regulations for the implementation of the energy storage deployment target that outline a deployment target of 2,400 megawatts by 2035 with interim targets that include Commission-approved energy storage system resources; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2021 at 0.35 percent of the average annual energy retail sales by that utility in the three preceding calendar years and increase annually until 2027 and thereafter when energy efficiency savings of at least two percent of the average annual energy retail sales by that utility in the three preceding calendar years are required; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) provides that in the case of a facility utilizing energy derived from offshore wind, the utility shall identify options for utilizing local workers, consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, including furtherance of apprenticeship and other workforce training programs to develop the local workforce, and give priority to the hiring of local workers; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon as a cost adder; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) removes the limit of 16 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the

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

**SB988** Electric utilities; electric school bus projects.

**WATCH**

Last Action: Referred to Committee on Commerce and Labor (January 15, 2020)

Primary Sponsor: L. Louise Lucas

Summary: 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 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 the 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.

## Net Metering

[HB1067](#) Electric utilities; net energy metering.

### SUPPORT

Last Action: Assigned L & C sub: Subcommittee #3 (January 16, 2020)

Primary Sponsor: Kaye Kory

Summary: 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.

## Broadband

[SB302](#) Utility easements; fiber optic cable.

### SUPPORT

Last Action: Assigned C&L sub: Energy (January 17, 2020)

Primary Sponsor: William M. Stanley, Jr.

Summary: 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.

## Zoning

[HB929](#) Subdivision plats; certain approved final plats shall remain valid indefinitely, etc.

### SUPPORT

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: Carrie E. Coyner

Summary: 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.

## Code

[SB141](#) Building and fire codes; notice requirements.

**OPPOSE**

Last Action: Stricken at request of Patron in General Laws and Technology (14-Y 0-N) (January 22, 2020)

Primary Sponsor: Richard H. Stuart

Summary: 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.

..... **Affordable Housing**

**HB765** Zoning; affordable housing, residential district classification.

**SUPPORT**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: Robert D. Orrock, Sr.

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

**HB1101** Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

**OPPOSE**

Last Action: Assigned CC & T sub: Land Use (January 21, 2020)

Primary Sponsor: Betsy B. Carr

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

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**Driver's Licenses****SB1** Driver's license; suspension for nonpayment of fines or costs.**SUPPORT**

Last Action: Rereferred to Finance and Appropriations (January 15, 2020)

Primary Sponsor: William M. Stanley, Jr.

Summary: Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

**SB10** Driver's license; suspension for nonpayment of fines or costs.**SUPPORT**

Last Action: Incorporated by Judiciary (SB1-Stanley) (14-Y 0-N) (January 15, 2020)

Primary Sponsor: Adam P. Ebbin

Summary: Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

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**Other****HB319** Redistricting; population data, reallocation of prison populations.**SUPPORT**

Last Action: Assigned P & E sub: Gubernatorial Appointments (January 21, 2020)

Primary Sponsor: Mark H. Levine

Summary: 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.

**HB1511** Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.

**SUPPORT**

Last Action: Assigned Transportation sub: Motor Vehicles (January 14, 2020)

Primary Sponsor: Delores L. McQuinn

Summary: Towing fees. The bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25.

**SB916** Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.

**SUPPORT**

Last Action: Referred to Committee on Transportation (January 8, 2020)

Primary Sponsor: David W. Marsden

Summary: Towing fees. The bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25.

**SB758** Electric personal delivery devices; changes related to devices.

**OPPOSE**

Last Action: Referred to Committee on Transportation (January 8, 2020)

Primary Sponsor: David W. Marsden

Summary: 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 200 pounds. The bill eliminates the ability of localities to regulate or prohibit the use of personal delivery devices on sidewalks, crosswalks, or roadways. The bill also changes the restriction on the transport of hazardous materials by a personal delivery device to only limit the transport of hazardous materials in a form and quantity that would pose an unreasonable risk to health, safety, or property.

**HB341** Taxation, Department of; sharing information with the Department of Social Services.

**WATCH**

Last Action: Assigned Finance sub: Subcommittee #1 (January 14, 2020)

Primary Sponsor: Danica A. Roem

Summary: 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.