



Legislative Subcommittee Meeting

Bills for Council Consideration

January 5 & 8, 2021

[**HB1738**](#) Alcoholic beverage control; local outdoor refreshment areas.

SUPPORT

Committee Referral Pending (November 6, 2020)

Primary Sponsor: William C. Wampler III

Summary: Alcoholic beverage control; local outdoor refreshment areas. Defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area.

[**HB1741**](#) Va. Public Procurement Act; contract clause requiring subcontractor reporting of certain payments.

WATCH

Committee Referral Pending (November 23, 2020)

Primary Sponsor: Ronnie R. Campbell

Summary: Virginia Public Procurement Act; contract clause requiring subcontractor reporting of payments to employees and independent contractors. Requires any contract awarded by a state agency or an agency of local government to require the contractor to include in each of its subcontracts a provision requiring the subcontractor to report to the contractor on a monthly basis (i) payroll records for all of the subcontractor's employees; (ii) records of all payments made by the subcontractor to individuals classified as independent contractors; and (iii) the total number of individuals on the jobsite, including the number classified as employees and the number classified as independent contractors. The bill requires the contractor to compile such information and submit it in a monthly report to the Department of Labor and Industry.

[**HB1746**](#) Conduct of elections; vote counting, required live video recording.

OPPOSE

Committee Referral Pending (December 3, 2020)

Primary Sponsor: Mark L. Cole

Summary: Conduct of elections; vote counting; required live video recording. Requires the general registrar of each county and city to provide for a live video recording of each

polling place while absentee ballots are cast, votes are counted, and returns are completed, and of each central absentee precinct while ballots are handled and returns are completed. The general registrars are required to ensure the video coverage is recorded and retained until the deadline to request a recount has passed and, if any contest or recount is pending thereafter, until it has been concluded. The bill provides that each live video recording must include date and time indicators and be linked to the official website of the county or city. The Department of Elections is required to post links on its official website to the video coverage for viewing by the public. The bill provides that any disruption in video coverage shall not affect or prevent the continued casting of absentee ballots, counting of votes, or completion of returns, and is not grounds for an election contest.

HB1754 Employer or other person; retaliatory discharge of employee prohibited.

WATCH

Committee Referral Pending (December 16, 2020)

Primary Sponsor: Lee J. Carter

Summary: Employment; retaliatory discharge of employee; Workers' Compensation.

Prohibits an employer or other person from discharging or taking other retaliatory action against an employee if such action is motivated by the knowledge or belief that the employee has filed a claim or taken or intends to take certain actions under the Virginia Workers' Compensation Act. Currently, retaliatory discharges are prohibited only if the employer discharges an employee solely because the employee has taken or intends to take such an action.

HB1755 Right to work; repeals provisions of Code that refers to denial or abridgement.

WATCH

Committee Referral Pending (December 16, 2020)

Primary Sponsor: Lee J. Carter

Summary: Right to work. Repeals the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise.

[HB1757](#) Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.

OPPOSE

Committee Referral Pending (December 17, 2020)

Primary Sponsor: John J. McGuire, III

Summary: Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity. Provides that if (i) the Commonwealth designates any property owned by it as a firearm-free zone or (ii) 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.

[HB1760](#) Conservation easements; certain easements be liberally construed in favor of purpose which created.

WATCH

Committee Referral Pending (December 17, 2020)

Primary Sponsor: Michael J. Webert

Summary: Conservation easements; construction. Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act or by the Virginia Land Conservation Foundation be liberally construed in favor of achieving the conservation purposes for which it was created.

[HB1778](#) Removal of clutter from property; civil penalty.

SUPPORT

Committee Referral Pending (December 29, 2020)

Primary Sponsor: Jeion A. Ward

Summary: Removal of clutter from property; civil penalty. Provides that a locality may by ordinance require the removal of clutter from property, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.

HB1780 Public employees; prohibition on striking; exception.

WATCH

Committee Referral Pending (December 29, 2020)

Primary Sponsor: Lee J. Carter

Summary: Public employees; prohibition on striking; exception. Exempts employees of a local school board from the prohibition on striking, and from termination of employment for striking, by public employees.

HB1793 Concealed handgun permit; local control of firearms.

OPPOSE *principle*

Last Action: Committee Referral Pending (January 2, 2021)

Primary Sponsor: Glenn R. Davis

Summary: Local control of firearms; concealed handgun permit. Provides that any local ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on specified public property shall not apply to a person who has a valid concealed handgun permit.

HB1794 Collective bargaining; prohibited considerations during negotiations.

OPPOSE

Last Action: Committee Referral Pending (January 2, 2021)

Primary Sponsor: Glenn R. Davis

Summary: Collective bargaining; prohibited considerations during negotiations. Prohibits any local ordinance or resolution granting or permitting collective bargaining from permitting consideration during collective bargaining negotiations of any action or discussion regarding the hiring, firing, or disciplining of a local employee. All such actions and discussions shall be exempt from all collective bargaining negotiations.

HB1801 Disposing of litter; penalty.

WATCH

Last Action: Committee Referral Pending (January 4, 2021)

Primary Sponsor: James E. Edmunds, II

Summary: Disposing of litter; penalty. Increases the fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from a minimum of \$250 and a maximum of \$2,500 to a minimum of \$500 and a maximum of \$5,000. The bill also increases the mandatory minimum period of community service in lieu of confinement in jail from 10 hours to 40 hours.

HB1805 Aging services; social need.

SUPPORT *principle*

Last Action: Committee Referral Pending (January 4, 2021)

Primary Sponsor: Dawn M. Adams

Summary: Aging services; social need. Provides that, in providing aging services, the Department for Aging and Rehabilitative Services shall prioritize older persons with significant social need and defines "social need" as need caused by noneconomic factors, including physical and developmental disabilities; language barriers; cultural, social, or geographic isolation, including that caused by racial or ethnic status; gender identity or gender expression; sexual orientation; or status as a person infected with human immunodeficiency virus that restricts an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently.

HB1810 Voter registration; failure of online voter registration system, deadline extension.

SUPPORT *principle*

Last Action: Committee Referral Pending (January 5, 2021)

Primary Sponsor: Schuyler T. VanValkenburg

Summary: Voter registration; failure of online voter registration system; deadline extension. Provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day.

HB1811 Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.

OPPOSE (Limits Local Authority) *principle*

Last Action: Committee Referral Pending (January 6, 2021)

Primary Sponsor: Dan I. Helmer

Summary: Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods. Provides that in the course of procuring goods, if a public body receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP)%96designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such public body may only select among those bids.

HB1818 Workers' compensation; presumption of compensability for certain diseases.

WATCH

Last Action: Committee Referral Pending (January 6, 2021)

Primary Sponsor: Steve E. Heretick

Summary: Workers' compensation; presumption of compensability for certain diseases. Adds salaried or volunteer emergency medical services personnel to the list of persons to whom, after five years of service, the occupational disease presumption for death caused by hypertension or heart disease applies.

HB1823 Public schools, child day programs, and certain other programs; carbon monoxide detectors required.

WATCH

Last Action: Committee Referral Pending (January 6, 2021)

Primary Sponsor: Alex Q. Askew

Summary: Public schools, child day programs, and certain other programs; carbon monoxide detectors required. Requires each building that was built before 2015 and that houses any public school classroom for students, licensed child day program, or other program that serves preschool-age children to be equipped with at least one carbon monoxide detector.

HB1834 Electric utilities; closure of carbon-emitting generating units.

SUPPORT *principle*

Last Action: Committee Referral Pending (January 6, 2021)

Primary Sponsor: Suhas Subramanyam

Summary: Electric utilities; closure of carbon-emitting generating units. Requires each owner of a large carbon-emitting power plant to provide a facility retirement study every 18 months. The bill requires that whenever a generation asset owner makes the decision to close a plant, such owner must provide notice to relevant localities and state agencies within 14 days of making that decision.

SB1097 Absentee voting; witness signature not required.

SUPPORT

Referred to Committee on Privileges and Elections (November 9, 2020)

Primary Sponsor: Barbara A. Favola

Summary: Absentee voting; witness signature not required. Repeals the requirement that an absentee ballot be opened in the presence of a witness and signed by such witness.

SB1106 Public School Assistance Fund and Program; created.

WATCH *priority*

Referred to Committee on Education and Health (December 2, 2020)

Primary Sponsor: William M. Stanley, Jr.

Summary: Public School Assistance Fund and Program created. Creates the Public School Assistance Fund and Program, to be administered by the Department of Education, for the purpose of providing grants to school boards to be used solely for the purpose of repairing or replacing the roofs of public elementary and secondary school buildings in the local school division. The bill permits any school board in the Commonwealth to apply for Program grants but requires the Department of Education to give priority in the award of grants to school boards that demonstrate the greatest need based on the condition of existing school building roofs and the ability to pay for the repair or replacement of such roofs.

SB1109 Voter referendum; issuance of state general obligation bonds for school facility modernization.

WATCH

Referred to Committee on Privileges and Elections (December 7, 2020)

Primary Sponsor: William M. Stanley, Jr.

Summary: Voter referendum; issuance of state general obligation bonds for school facility modernization. Provides for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The bill provides that the referendum be held at the November 2021 general election.

SB1111 Elections; preservation of order at the polls, powers of officers of election.

WATCH

Referred to Committee on Privileges and Elections (December 15, 2020)

Primary Sponsor: Lionell Spruill, Sr.

Summary: Elections; preservation of order at the polls; powers of officers of election. Removes the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area.

SB1113 Communicating threats of death or bodily injury to a person at any place of assembly, etc.; penalty.

WATCH

Referred to Committee on the Judiciary (December 18, 2020)

Primary Sponsor: Lionell Spruill, Sr.

Summary: Communicating threats of death or bodily injury to a person at any place of assembly, any building or other structure, or any means of transportation; penalties.

Provides that any person 18 years of age or older who either (i) communicates to another by any means any threat to bomb, burn, destroy, shoot, stab, or in any other manner cause death or bodily injury to persons at any place of assembly, any building or other structure, or any means of mass transportation or (ii) communicates to another by any means information, knowing the same to be false, about any plan to bomb, burn, destroy, shoot, stab, or in any other manner cause death or bodily injury to persons at any place of assembly, any building or other structure, or any means of mass transportation and makes either such communication with the intent to (a) intimidate a civilian population at large, (b) influence the conduct or activities of the government of the United States or any state or local government through intimidation, (c) compel the emergency evacuation of any place of assembly, any building or other structure, or any means of mass transportation through intimidation, or (d) place any person in reasonable apprehension of death or bodily injury through intimidation is guilty of a Class 5 felony. The bill provides that any person younger than 18 years of age who commits such offense is guilty of a Class 6 felony.

SB1118 Voter registration; verification of social security numbers, provisional registration status.

OPPOSE

Referred to Committee on Privileges and Elections (December 21, 2020)

Primary Sponsor: Mark J. Peake

Summary: Voter registration; verification of social security numbers; provisional registration status. Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (the State Board) before registering such applicant. If the information provided by the applicant does not match the information in such database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot but such ballot shall not be counted until the voter presents

certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this bill and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2023.

SB1119 Law-enforcement agencies; body-worn camera systems.

WATCH

Referred to Committee on the Judiciary (December 22, 2020)

Primary Sponsor: Bryce E. Reeves

Summary: Law-enforcement agencies; body-worn camera systems. Creates a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems.

SB1138 Sexually transmitted infections; infected sexual battery; repeal.

SUPPORT

Last Action: Referred to Committee on the Judiciary (January 3, 2021)

Primary Sponsor: Mamie E. Locke

Summary: Sexually transmitted infections; infected sexual battery; repeal. Repeals the crime of infected sexual battery. The bill also repeals the crime of donating or selling blood, body fluids, organs, and tissues by persons infected with human immunodeficiency virus and the provisions regarding the testing of certain persons for human immunodeficiency virus or hepatitis B or C viruses. The bill contains technical amendments.

SJ272 Constitutional amendment; qualifications of voters and the right to vote (first reference).

SUPPORT *priority*

Referred to Committee on Privileges and Elections (December 1, 2020)

Primary Sponsor: Mamie E. Locke

Summary: Constitutional amendment (first reference); qualifications of voters and the right to vote. Establishes that the sole qualifications to vote in the Commonwealth are being a United States citizen, at least 18 years of age, a resident of the Commonwealth, and registered to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill lifts restrictions on qualifications to vote for those who have been convicted of a felony or adjudicated to be mentally incompetent.