

Key Bills for Planners:

*Virginia General
Assembly 2020 Session*



American Planning Association
Virginia Chapter

Making Great Communities Happen



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Energy Efficiency

HB 166 & SB 869 - Hearing notice by localities; timely notice related to planning or zoning matter to newspaper, etc.

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

HB 408 Green Job Creation Tax Credit; extends sunset date.

Extends the sunset date of the green job creation tax credit from January 1, 2021, to January 1, 2025. The bill contains technical amendments.

HB 414 & SB 504 - Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill.

HB 454 Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials.

Directs the Department of General Services to make state agencies aware of the availability of recycled materials and products certified as climate positive. The term "climate positive" is defined as having a negative carbon footprint.

HB 528 Electric generation facilities; SCC shall determine retirement of facilities.

Requires the State Corporation Commission to determine the amortization period for recovery of any appropriate costs due to the early retirement of any coal-fired or natural gas-fired electric generation facilities owned or operated by any Phase I or Phase II Utility. The bill requires the Commission, in making such determination, to (i) perform an independent analysis of the remaining undepreciated capital costs; (ii) establish a recovery period that best serves ratepayers; and (iii) allow for the recovery of any carrying costs that the Commission deems appropriate.

HB 572, HB 1184 & SB710 - Distributed solar & other renewable energy; sales of electricity under third-party agreements.

Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.

HB 654 Clean energy projects; authorizes DMME to sponsor a statewide financing program.

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.

HB 655 & SB 870 - Solar photovoltaic projects; special exceptions for any project.

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

HB 656 & SB 875 - Solar energy projects; national standards.

Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects.

HB 657 Comprehensive plan; solar facilities review.

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

HB 665 Electrical transmission lines; effect on scenic assets, historic resources, and environment.

Requires the State Corporation Commission (SCC), prior to approving the construction of any electrical transmission lines of 138 kilovolts or more, to determine that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned. Currently, the SCC is required to determine that such a line's corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned.

HB 706 & SB 795 - Offshore drilling; prohibition on leases, policy.

Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline.

HB 714 & SB 94 - Virginia Energy Plan; climate change pressing challenge.

Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of

the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. The measure also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan.

HB 717 Electric vehicles; DMME to determine feasibility of a rebate program.

Establishes a working group to determine the feasibility of an electric vehicle rebate program. The working group will report on its findings and recommendations by November 1, 2020.

HB 868 Electric utilities; right to shop.

Authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including any incumbent electric utility. Currently such customers may purchase electric power from such suppliers, other than an incumbent electric utility that is not the incumbent electric utility serving the exclusive territory in which the customer is located, only if their incumbent electric utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy. The measure also provides that a cooperative utility customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy is prohibited from purchasing electric energy provided 100 percent from renewable energy from a licensed supplier, except such customer is authorized to continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the Commission such tariff for electric energy provided 100 percent from renewable energy for the duration of such agreement. The provisions of the bill will not become effective unless reenacted by the 2021 Session of the General Assembly.

HB 889 Electric utility regulation and retail competition; SCC to conduct pilot program.

Requires the SCC to conduct a pilot program under which two or more certain nonresidential customers within the service territory of Dominion Energy, are permitted to purchase electric energy from any supplier of electric energy licensed to sell electric energy within the Commonwealth. The aggregated load participating in the pilot is limited to 200 megawatts.

HB 1030 Electrical transmission lines; placement of overhead and underground lines.

Provides that the State Corporation Commission's approval of a proposed transmission line for inclusion in a pilot program established as part of the Grid Transformation and Security Act enacted in 2018 (i) precludes the placement of future overhead electrical transmission lines of at least 69 kilovolts in the same area or corridor by other transmission projects for a period of 10 years and (ii) does not preclude (a) any underground transmission lines in such right-of-way or (b) any electrical distribution lines in such right-of-way. The pilot program provides for the underground construction of two electrical transmission lines, including one for the Haymarket transmission line project in Prince William County.

HB 1042 & SB 883 - Environmental Justice, Virginia Council on; established.

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

HB 1131 & SB 762 - Solar energy projects; revenue share assessment.

Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met.

HB 1133 Solar and wind energy; projects on previously developed project sites.

Declares that the construction or purchase by a public utility prior to January 1, 2024, of one or more solar or wind generation facilities located on a previously developed project site in the Commonwealth having in the aggregate a rated capacity that does not exceed 200 megawatts, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities owned by persons other than a public utility, is in the public interest.

HB 1303 & SB 549 - Nuclear energy; strategic plan for overall goal of carbon-free energy.

Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the Commonwealth's overall strategy for moving toward renewable and carbon-free energy. The plan shall be completed by October 1, 2020, and updated every four years thereafter.

HB 1327 Property taxes; generating equipment of electric suppliers utilizing wind turbines.

For a locality that imposes property taxes on generating equipment of electric suppliers utilizing wind turbines that have filed a certain form with an electric utility or regional transmission organization by July 1, 2020, provides that the rate shall not exceed the locality's real estate tax rate by more than \$0.20 per \$100 of assessed value. For all other projects, and under current law, the tax may exceed the real estate rate but cannot exceed the general personal property tax rate in the locality.

HB 1348 & SB 328 - Overweight permits; forest products.

Clarifies that the definition of forest products for the purpose of qualifying for an overweight permit for hauling forest products includes wood pellets.

HB 1434 & SB 763 - Local tax; amount of exemption for solar energy equipment.

Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill provides that if a locality assesses a revenue share on a project, the phase-down shall not apply. The bill extends the sunset date after which new projects may not qualify for the exemption from January 1, 2024 to July 1, 2030.

HB 1526 & SB 851 - Electric utility regulation; environmental goals.

Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a byproduct of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS. Under the mandatory RPS, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically-disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating unit in the Commonwealth and

authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034 and that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases

each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder groups recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy in consultation with the Council on Environmental Justice to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines.

HB 1634 & SB 629 - Shared solar programs; electric utility regulation, etc.

Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of Dominion Electric Virginia to purchase electric power through a subscription in a shared solar facility, which is defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts. Under the program, a subscriber receives a bill credit for the proportional output of a share solar facility attributable to that subscriber. Subscribers are required to pay a minimum bill, established by the Commission, that includes the costs of infrastructure and related services. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent of low-income customers and that the Commission will approve an additional 50 megawatts upon determining that at least 45 megawatts of the shared solar capacity have been subscribed to by low-income customers.

HB 1656 Electric utilities; incentive programs for low-income customers.

Authorizes Dominion Energy Virginia and American Electric Power to recover, through a rate adjustment clause, the costs of designing, implementing, and operating programs to provide incentives to low-income, elderly, and disabled individuals who participate in an energy conservation program, or to organizations providing residential services to such individuals, for the installation of, or access to, solar energy generating equipment. The measure also clarifies that these utilities shall submit a petition for approval to design, implement, and operate a separate three-year incentive program, in an amount not to exceed \$25 million in the aggregate, to enable the installation of, or access to, solar energy equipment, that is in addition to the existing \$25 million in incentives the utilities are required to provide over three years to low-income, elderly, and disabled individuals for energy conservation measures.

HB 1664, SB 860 & SB 998 - Electric utilities; offshore wind generation facilities development.

Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure provides that such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer except for low-income customers and certain commercial and industrial customers. The measure requires the utility to (i) identify options for utilizing local workers; (ii) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the VEDP, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) give priority to the hiring of local workers, including workers from historically economically disadvantaged communities. The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities.

HB 1675 Solar energy facilities; definitions, siting agreement with host locality.

Requires any applicant for a solar facility to give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone, defined in the bill, in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality. The siting agreement may include terms and conditions, including

mitigation of any impacts of such solar facility and financial compensation to the host locality to address various capital needs. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended. The provisions of the bill shall not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020.

HB 1707 Clean Energy Advisory Board; increases membership.

Expands the membership of the Clean Energy Advisory Board (the Board) from 15 to 17 members. The measure specifies that one of the new members shall be an expert with experience implementing low-income and middle-income incentive and loan programs for distributed renewable energy resources and that the other new member shall be an attorney who maintains a legal practice dedicated to rural development, rural electrification, and energy policy. The measure also repeals the sunset provision for the Board, which is scheduled to expire on July 1, 2022, and directs the Department of Mines, Minerals and Energy, in consultation with the Board, to develop guidelines to administer any public power renewable grant program established by the general appropriation act.

HJ 25 Coal dust blown from moving trains; report.

Requests certain railroad companies to make available to the General Assembly, at least annually, information on actions and activities likely to have an impact on coal dust blown from moving trains in the Commonwealth.

SB 271 Higher educational institutions; public-private partnerships, wind and solar power.

Permits each public institution of higher education to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such public institution of higher education for the generation of wind or solar power in exchange for offering educational immersion programs for high school students and students at public institutions of higher education that provide hands-on education and training in the construction, operations, and maintenance of its wind or solar power generators. The bill requires any energy produced by such solar or wind power generators to be (i) used to provide power for the partner public institution of higher education or (ii) introduced to applicable power grids and sold at market rates, with profits split as agreed upon by the private entity and the partner public institution of higher education. The bill requires any such profits gained by the partner public institution of higher education to be used to further research, expand clean energy education programs, or lower student tuition rates.

SB 731 Investor-owned electric utilities; rate of return on common equity.

Provides that the State Corporation Commission, in determining a fair rate of return on common equity for an investor-owned electric utility after January 1, 2020, shall not set such rate (i) lower than the average of either (a) the average of the returns on common equity of the utility's peer group reported to the Securities and Exchange Commission for the three most recent annual periods or (b) the authorized returns on common equity that is set by the applicable regulatory commission for other investor-owned electric utilities in the utility's peer group or (ii) higher than 150 basis points above such average.

SB 828 Carbon-free energy and clean energy; definition.

Provides that "carbon-free energy" or "clean energy," as used in the Code of Virginia, includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy, including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, or geothermal or nuclear energy.

SB 877 Technology, Secretary of; transfer of duties to Secretaries of Administration & Commerce and Trade.

Transfers operational responsibilities of the Office of the Secretary of Technology to the Secretary of Administration and responsibilities of the Office of the Secretary of Technology related to commercialization and entrepreneurial support to the Secretary of Commerce and Trade. The bill contains technical amendments.

SB 1039 Solar energy and recycling equipment; classification for purposes of real property tax exemption.

Provides that, for purposes of the real property tax exemption for certified solar energy and recycling equipment, the exemption shall be retroactive to the date of installation if the taxpayer obtains certification from the Department of Environmental Quality within one year of installation. Under current law, the exemption is effective in the next tax year after the taxpayer obtains certification.

SB 1075 Environmental Quality, Department of; public comment.

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

SJ 60 Nuclear energy; advancement of nuclear energy research & exploration of economic opportunities.

Encourages the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy.

Environment and Water Resources

HB 22 & SB 320 - Virginia Community Flood Preparedness Fund; loan and grant program.

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

HB 117 & SB 127 - Virginia Geographic Information Network Advisory Board; increases membership.

Adds two county, city, town, or regional government geographic information system (GIS) directors or managers as members of the Virginia Geographic Information Network Advisory Board.

HB 414 & SB 504 - Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill.

HB 520 Trees; DEQ to convene advisory to study planting or preservation, report.

Directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group

shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use.

HB 528 Electric generation facilities; SCC shall determine retirement of facilities.

Requires the State Corporation Commission to determine the amortization period for recovery of any appropriate costs due to the early retirement of any coal-fired or natural gas-fired electric generation facilities owned or operated by any Phase I or Phase II Utility. The bill requires the Commission, in making such determination, to (i) perform an independent analysis of the remaining undepreciated capital costs; (ii) establish a recovery period that best serves ratepayers; and (iii) allow for the recovery of any carrying costs that the Commission deems appropriate.

HB 533 Expanded polystyrene food service containers; definitions, prohibition on dispensing, civil penalty.

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

HB 534 & SB 11 - Disposable plastic bags; local tax.

Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax.

HB 542 Regional water resource planning; State Water Control Board regulations.

Directs the State Water Control Board to estimate the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basin. Each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional water supply plan. The bill directs the Department of Environmental Quality to facilitate the creation of the regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes strategies in response. The bill directs that the Board and the Department prioritize the allocation of funds to localities that sufficiently participate in regional planning. The bill contains technical amendments.

HB 586 PFOA, PFOS, and PFAS; substances in public drinking water.

Directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks.

HB 646 Pipeline construction permit; amount of civil penalty for violation.

Authorizes the State Water Control Board to include civil penalties of up to \$50,000 per violation, not to exceed \$500,000 per order, in any order for a violation of a permit related to the construction of a natural gas transmission pipeline greater than 36 inches inside diameter. Current law limits such penalties to \$32,500 per violation and \$100,000 per order. The bill requires that at least two written notices of violation have been issued to the person constructing the pipeline, that such violations have not been resolved, and that a hearing has been conducted before the penalty can be assessed.

HB 704 & SB 406 - Environmental justice; state agency policy, Virginia Council on Environmental Justice, established.

Provides that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth.

HB 706 & SB 795 - Offshore drilling; prohibition on leases, policy.

Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment

requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline.

HB 714 & SB 94 - Virginia Energy Plan; climate change pressing challenge.

Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. Requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the 4 years preceding the issuance of the Plan.

HB 859 Stormwater management facilities; private residential lots, required disclosure.

Directs the Water Control Board to adopt regulations requiring the owner of residential property on which is located a privately-owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such stormwater management facility with the deed for the property. Requires an owner of residential property who has knowledge of a privately-owned stormwater facility located on the property to disclose to a purchaser the long-term maintenance and inspection requirements of the facility.

HB 882 Stormwater management; use of a proprietary best management practice.

Directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice (BMP) only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill requires any proprietary BMP that is included on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, to provide documentation to the Department of Environmental Quality showing that its effectiveness has been verified by another state, regional, or national certification program and prohibits any such proprietary BMP that fails to provide such documentation from being used in any stormwater management plan submitted on or after January 1, 2022.

HB 981 & SB 1027 - Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

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

HB 1002 Agriculture and Forestry Industries Development Planning Grant Program; created.

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

HB 1042 & SB 883 - Environmental Justice, Virginia Council on; established.

Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 21 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. This bill is identical to SB 883.

HB 1136 Hazardous Waste Site Inventory; DEQ to publish, update annually.

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

HB 1154 Litter taxes; increases annual amount of tax.

Increases the annual litter tax from \$10 to \$20 and the additional annual litter tax from \$15 to \$30. Both taxes are imposed on manufacturers, wholesalers, distributors, and retailers of certain products; however, the additional tax applies to fewer businesses.

HB 1162 Environmental Quality, Department of; definition of environmental justice.

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

HB 1164 Environmental Quality, Department of; policy statement.

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

HB 1173 Certified pollution control equipment and facilities; tax exemption, timing.

Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. Identical to SB 685.

HB 1205 Discharge deleterious substance in state waters; notice to citizens if detrimental to public health.

Requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health (VDH) and local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists when DEQ determines that the discharge may impair state waters or VDH determines that it may be detrimental to public health. The bill requires DEQ to report to the General Assembly (i) a protocol for determining whether a discharge would have a de minimis impact on state waters and (ii) a proposed implementation procedure if the law were amended to require public dissemination of all discharges reported except for those determined to have a de minimis impact.

HB 1257 Drinking water supplies and waterworks; maximum contaminant levels, effective date, report.

Directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency for the same contaminant. The bill directs the Department of Health to report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs by November 1, 2020, and submit a final report by October 1, 2021, detailing the MCL regulations established by the Department of Health. The bill has a delayed effective date of January 1, 2022.

HB 1266 Septic system inspectors; requirements to perform a septic system inspection.

Authorizes any individual who holds a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (Waterworks and Wastewater Works Operators) of Title 54.1 to perform a septic system inspection in connection with any real estate transaction, including refinancings.

HB 1313 Chief Resilience Officer; Governor to designate.

Directs the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill directs the Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, to identify and monitor areas at the greatest risk from recurrent flooding; review and comment on plans for the construction or substantial reinforcement of a substantial flood defense or catchment area, at the request of the locality containing such defense or area; and initiate and

assist with the pursuit of funding for resilience initiatives. Expands the list of programs with which localities and the Commonwealth are required to coordinate as part of their flood control efforts.

HB 1352 Solid waste disposal; unpermitted sites and open dumps, regulation and cleanup.

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

HB 1354 Plastic Waste Prevention Advisory Council; established.

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

HB 1375 Living shorelines; resiliency.

Includes a shoreline practice that may enhance coastal resilience and attenuation of wave energy and storm surge in the definition of living shoreline for purposes of establishing and implementing a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines.

HB 1422 & SB 704 - Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland.

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

HB 1458 Water protection permits; administrative withdrawal of application.

Authorizes the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior to an administrative withdrawal, the bill requires the Board to provide (i) notice to the applicant and (ii) an opportunity for an informal fact-finding proceeding. The bill also authorizes an applicant to request suspension of an application review by the Board that does not affect the Board's ability to administratively withdraw the application.

HB 1609 & SB 747 - Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.

Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wasteload allocation under certain circumstances.

HB 1612 & SB 1090 - Grays Creek; designating as component of Virginia Scenic Rivers System.

Designates a six-mile portion of Grays Creek in Surry County as a component of the Virginia Scenic Rivers System.

HB 1664 Electric utilities; offshore wind generation facilities development.

Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure provides that such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer except for low-income customers and certain commercial and industrial customers. The measure requires the utility to (i) identify options for utilizing local workers; (ii) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and

the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) give priority to the hiring of local workers, including workers from historically economically disadvantaged communities. The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities.

HB 1695 & SB 1004 - Wildlife Corridor Action Plan; created.

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

HJ 47 & SJ 38 - Coastal areas; study on economic consequences of weather-related events.

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

HJ 92 Drinking water program; Off. of Drinking Water/Dept. of Health to study infrastructure & oversight.

Requests the Office of Drinking Water of the Department of Health to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program. In conducting its study, the Office shall (i) identify problems or issues that may result in contamination of drinking water with lead, copper, or other substances or organisms or increase the likelihood of contamination of drinking water with lead, copper, or other substances or organisms and (ii) develop recommendations for addressing such problems or issues.

HJ 102 & SJ 27 - Coastal Flooding, Joint Subcommittee on; continued, appropriations.

Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2021 interim.

SB 106 Hydraulic fracturing; drilling through any portion of a groundwater management area, prohibition.

Prohibits hydraulic fracturing, as defined in the bill, in certain groundwater management areas.

SB 590 Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

Postpones from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials. Starting in taxable year 2020, the bill makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill. Provides that certain machinery, tools, and materials used in advanced recycling shall be exempt from sales tax. Starting in taxable year 2021, the bill provides that such machinery, tools, and materials shall be segregated and classified as machinery and tools, which are taxed at a lower rate than the generally applicable personal property tax rate.

SB 673 Nonagricultural irrigation wells; prohibited outside surficial aquifer.

Prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use and requires that such regulations specify the information required to be submitted to the Department of Environmental Quality (the Department) by a golf course or any other person seeking a determination from the Department that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. The bill requires such regulations require the Department, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer.

SB 674 Voluntary forest mitigation; agreements.

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

SB 776 Wetlands protection; living shorelines.

Requires the Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of wetlands and to approve only living shoreline approaches to shoreline stabilization unless the best available science shows that such approaches are not suitable.

SB 843 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.

SB 1064 Combined sewer overflow outfalls; James River watershed.

Requires the owner or operator of any combined sewer overflow (CSO) system east of Charlottesville that discharges into the James River watershed to submit to the Department of Environmental Quality an interim and a final plan to address the requirements of any consent special order issued by the State Water Control Board. The bill specifies dates by which the owner or operator must initiate construction and complete work to carry out such plans.

SB 1075 Environmental Quality, Department of; public comment.

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

SJ 42 Waste Diversion and Recycling Task Force; DEQ to establish.

Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling. The resolution requests that the Task Force include stakeholders to discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the

Task Force discuss potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants.

Ethics Reform

HB 1011 Virginia Conflict of Interest and Ethics Advisory Council; powers and duties.

Clarifies that the Virginia Conflict of Interest and Ethics Advisory Council may give guidance to constitutional officers and legislators regarding the prohibition on representing clients before their agency for one year after leaving office. The bill also requires the Council and the clerks of local governing bodies and school boards to redact email addresses from disclosure forms prior to releasing them to the public. Current law requires such entities to redact any residential address, personal telephone number, or signature.

HB 1100 State Inspector General; powers and duties.

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

HB 1527 & SB 701 - Conflict of Interests Act, State & Local Gov't, and FOIA; training requirements.

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

HB 1528 & SB 703 - Conflict of Interests Act, State and Local Government; disclosure by executive directors & members.

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

HB 1556 Political campaign advertisements; authorization statement, name of candidate defined.

Defines "name of candidate" for purposes of political advertisement disclosure requirements to mean (i) the full name of the candidate as it appears on the statement of qualification filed by the candidate or as it will appear on the ballot or (ii) the first name, middle name, or nickname of the candidate as it appears on his statement of qualification and a last name of the candidate as it appears on his statement of qualification. The bill further provides that when a disclosure statement includes the name of a campaign committee, the name must be the same as it appears on the statement of organization. The bill has a delayed effective date of January 1, 2021, and further provides that any print media advertisement paid for or distributed prior to the effective date of the bill shall not be subject to the requirements of the bill.

SB 217 Campaign finance; reporting of certain contributions received immediately prior to session.

Requires any single contribution of \$1,000 or more that is knowingly received or reported by a candidate for statewide office or the General Assembly during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly to be reported to and received by the State Board of Elections by January 15. The bill requires these contributions to be reported on the first report following the contribution.

SB 979 Campaign Finance Disclosure Act of 2006; applicability to nominations and elections for directors.

Removes the exemption to the Campaign Finance Disclosure Act of 2006 for directors of soil and water conservation districts, so that such candidates will be subject to campaign finance reporting requirements. The bill further provides that such a candidate may qualify for the exemption from reporting requirements if he does not solicit or accept campaign contributions and does not contribute personally to, or spend more than \$1,000 on, his campaign.

Building Codes

HB 106 Numbering on buildings; civil penalty.

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

SB 1065 State-owned structures; DGS to determine which structures are high-risk, report.

Directs the Department of General Services to (i) determine which state-owned structures have a higher likelihood of being involved in a natural or man-made emergency that may require special access by law-enforcement personnel and (ii) study the desirability and feasibility of coordinating with local law enforcement in the installation of certain key boxes permitting law-enforcement officials to gain access to such structure during an emergency. The bill permits the Department to implement procedures for installing such key boxes to the extent that the Department determines such action is desirable and feasible. Directs the Department to report its findings to the Governor and General Assembly by December 1, 2020.

Housing

HB 6 Virginia Fair Housing Law; unlawful discriminatory housing practices.

Adds discrimination on the basis of a person's source of funds to the list of unlawful discriminatory housing practices. The bill creates an exemption for an owner or owner's managing agent, provided that such owner does not own more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. The bill allows an owner or owner's managing agent to deny or limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval. The bill defines "source of funds" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

HB 99 Va. Fair Housing Law; status as a victim of family abuse, etc.

Allows an applicant for a lease to recover actual damages, including all amounts paid to the landlord as an application fee, application deposit, or reimbursement for any of the landlord's out-of-pocket expenses that were charged to the applicant, along with attorney fees, if the landlord does not consider evidence of the applicant's status as a victim of family abuse to mitigate any adverse effect of the otherwise qualified applicant's low credit score.

HB 106 Numbering on buildings; civil penalty.

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

HB 334 Manufactured home parks; sale of park to developer, relocation expenses.

Provides that if the termination of a manufactured home park rental agreement is due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use, the landlord shall provide certain relocation expenses to each manufactured home owner in the park within the 180-day notice period for the purpose of removing the manufactured home from the park.

HB 393 & SB 707 - Landlord and tenant; statement of tenant rights and responsibilities.

Requires the Director of the Department of Housing and Community Development to develop a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and maintain such statement on the Department's website along with a form to be signed

by the parties to a rental agreement. The bill requires that the statement be provided to any prospective tenant and that the form developed by the Department be signed by the parties to the rental agreement. The bill prohibits a landlord from filing or maintaining an action against a tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities.

HB 396 Redevelopment and housing authority; increases compensation of commissioners.

Increases from \$150 to \$500 per month the maximum compensation that may be paid to a redevelopment and housing authority commissioner.

HB 518 & SB 628 - Virginia Residential Property Disclosure Act; residential building energy analysis.

Adds obtaining a residential building energy analysis to the disclosure statement furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon. This bill is a recommendation of the Virginia Housing Commission.

HB 519 & SB 115 - Virginia Residential Landlord and Tenant Act; certain notices of termination.

Provides that no notice of termination of tenancy served upon a tenant receiving tenant-based rental assistance through (i) the Housing Choice Voucher Program, 42 U.S.C. § 1437f(o), or (ii) any other federal, state, or local program by a private landlord is effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the statewide legal aid telephone number and website address.

HB 537 & SB 727 - Real estate tax; exemption for property in redevelopment or conservation areas.

Increases the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years.

HB 590 Income tax, state; housing choice vouchers, eligible housing areas.

Expands the definition of "eligible housing area" for the housing choice voucher tax credit to include Virginia census tracts in the Washington-Arlington-Alexandria Metropolitan Statistical Area in which less than 10 percent of the population lives below the poverty level. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to such areas within the Richmond and Virginia Beach-Norfolk-Newport News Metropolitan Statistical Areas. The bill establishes a 2025 sunset date on the credit.

HB 722 & SB 269 - Virginia Freedom of Information Act; exclusions, proprietary records and trade secrets.

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

HB 755 Real property taxes; definitions, blighted and derelict properties in certain localities.

Provides that, in certain localities, blighted properties and derelict structures shall constitute a separate class of property for local taxation of real property. Such certain localities may, by ordinance, levy a tax on blighted properties and derelict structures at a rate that exceeds the general real property tax rate by five and 10 percent, respectively. Any tax levied pursuant to such an ordinance shall be imposed upon a determination by the real estate assessor that a property constitutes a blighted property or derelict structure. The bill also provides that, in such certain localities, delinquent tax lands may be sold six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill contains technical amendments.

HB 790 Homestead exemption; bankruptcy exemptions.

Makes various changes to homestead exemptions, including providing that the official schedule of property claimed exempt filed with the United States Bankruptcy Court in a bankruptcy proceeding constitutes a sufficient writing to exempt such real and personal property from creditor process. The bill also provides that a householder may hold exempt from creditor process real or personal property that the householder or his dependent uses as a principal residence not exceeding \$25,000 in value.

HB 810 Virginia housing opportunity tax credit program; VHDA, et al., to develop.

Directs the Department of Housing and Community Development and the Virginia Housing Development Authority to convene a stakeholder advisory group to develop draft legislation establishing a Virginia housing opportunity tax credit program for the purpose of providing incentives for the utilization of private equity in the development and construction of affordable housing in the Commonwealth and regulations for implementing such program. The stakeholder advisory group shall also conduct financial modeling to determine the fiscal impact to the Commonwealth of various levels of funding for a Virginia housing opportunity tax credit. The stakeholder advisory group shall determine the most effective and efficient way to administer the program in conjunction with the federal Low-Income Housing Tax Credit Program. The stakeholder advisory group shall report its recommendations to the Governor, the Secretary of

Commerce and Trade, the Director of the Department of Housing and Community Development, and the commissioners of the Virginia Housing Development Authority by September 1, 2020.

HB 854 Affordable housing; VHDA, et al., to study ways to develop.

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

HB 857 & SB 874 - Segregated accommodations & segregation districts for residences; repeals certain Acts of Assembly.

Repeals Acts of Assembly that implemented (i) separate accommodations for white and African American passengers on steamboats and (ii) designation of segregation districts for residence.

HB 921 & SB 708 - Housing authorities; notice of intent to demolish or liquidate housing projects.

Requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project must also serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project. The bill requires the authority to also provide such notice to any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the 12-month period subsequent to the initial notice of intent to demolish, liquidate, or dispose of the housing project, the housing authority is prohibited from (a) increasing rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. The bill has a delayed effective date of January 1, 2021.

HB 1042 & SB 883 - Environmental Justice, Virginia Council on; established.

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

HB 1101 & SB 834 - Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

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

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

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

HB 1105 Affordable housing; adds Charlottesville to list of localities with authority to provide.

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

HB 1161 Virginia Residential Property Disclosure Act; required disclosures, lead pipe.

Adds to the disclosure statement required to be furnished by the owner of residential real property to a buyer that the buyer beware and exercise necessary due diligence with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free." The bill also requires any licensee who is engaged by a landlord and who has actual knowledge of the existence of any pipe,

pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" to disclose such information to a prospective tenant.

HB 1249 Manufactured Home Lot Rental Act; termination due to sale.

Provides that where the sale of a manufactured home park is due to a change in the use of all or any part of a manufactured home park by the landlord, including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition, a 180-day written notice is required to terminate the rental agreement. The bill also requires a manufactured home park owner who offers or lists the park for sale to a third party to provide written notice to (i) DHCD, which shall make the information available on its website within five days of receipt, and (ii) each tenant of the manufactured home park at least 90 days prior to accepting an offer. The bill provides that tenants who have been evicted from a manufactured home park have 90 days after a judgment has been entered in which to rent the manufactured home to a subtenant, contingent on the subtenant's making a rental application to the manufactured home park owner within such 90-day period and approval by the home park owner of such rental application from the subtenant.

HB 1266 Septic system inspectors; requirements to perform a septic system inspection.

Authorizes any individual who holds a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (Waterworks and Wastewater Works Operators) of Title 54.1 to perform a septic system inspection in connection with any real estate transaction, including refinancings.

HB 1267 Land bank entities; planning district commissions.

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

HB 1333 Landlord and tenant; damage insurance shall conform to certain criteria.

Provides that a landlord may permit a tenant to provide damage insurance coverage meeting certain criteria in lieu of the payment of a security deposit. The bill also caps the total amount of any combination of security deposit and rental insurance coverage required by the landlord to twice the amount of the periodic rent payment and provides that a tenant who initially opts to provide damage insurance in lieu of a security deposit may, at any time without consent of the landlord, opt to pay the full security deposit to the landlord in lieu of maintaining a damage insurance policy.

HB 1341 Manufactured Housing Construction and Safety Standards Law; applicability.

Sets out a section from Chapter 37 of the Acts of Assembly of 1986 establishing the applicability of the Manufactured Housing Construction and Safety Standards Law (§ 36-85.2 et seq.). The bill

also removes an obsolete provision relating to the purpose of the chapter and makes technical changes. The bill is a recommendation of the Code Commission.

HB 1342 Virginia Residential Property Disclosure Act; required disclosures, lead pipe.

Adds to the disclosure statement required to be furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence (i) with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" and (ii) with respect to the existence of defective drywall on the property.

HB 1369 Land bank entities; conflict of interests.

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

HB 1401 Landlord and tenant; remedy for unlawful ouster.

Provides that, upon receipt of a petition for an order to recover possession or restore essential services alleging a tenant's unlawful ouster from the rental premises and a finding that the petitioner has attempted to provide the landlord with actual notice of the hearing on the petition, the judge of the general district court may issue such order ex parte upon a finding of good cause to do so. The bill further provides that an ex parte order shall be a preliminary order that specifies a date for a full hearing on the merits of the petition, to be held within five days of the issuance of the ex parte order.

HB 1420 Landlord and tenant; charge for late payment of rent, restrictions.

Provides that a landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement, and that no such late charge shall exceed the lesser of 10% of the periodic rent or 10% of the remaining balance due and owed by the tenant.

HB 1548 Common interest communities; termination of condominium.

Provides that the respective interests of condominium unit owners upon the termination of a condominium shall be as set forth in the termination agreement, unless the method of determining such respective interests is other than the relative fair market values, in which case the association shall provide each unit owner with a notice stating the result of that method for the unit owner's unit and, no later than 30 days after transmission of that notice, any unit owner disputing the interest to be distributed to his unit may require that the association obtain an independent appraisal of the condominium units. Provides a method of adjusting the respective interests of the unit owners if the amount of such independent appraisal of an objecting unit owner's unit is at least 10 percent more than the amount stated in the association's notice.

HB 1569 & SB 343 - Dams; disclosure statements.

Directs the Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status of any impounding structure or dam on the owner's property or under the ownership of a common interest community that the owner of the property is required to join.

HB 1655 Landowners; sale of certain property by locality, tax delinquent property.

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

SB 200 Income tax, state; housing choice vouchers, eligible housing areas.

Expands the definition of "eligible housing area" for purposes of the housing choice voucher tax credit to include the Washington-Arlington-Alexandria Metropolitan Statistical Area. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to certain areas within the Richmond Metropolitan Statistical Area and the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area. The bill provides that the credit would sunset in 2025. Under current law, there is no sunset.

SB 868 Discrimination; prohibited in public accommodations, etc., causes of action.

Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or

status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments.

SB 905 Landlord and tenant; tenant's remedy by repair, clarifies definition of "actual costs."

Permits a tenant, under certain circumstances, to have a condition that constitutes a material noncompliance by the landlord with the rental agreement or with provisions of law, or that if not promptly corrected will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, remedied by a third-party licensed contractor. The bill provides that, unless the tenant has been reimbursed by the landlord, the tenant may deduct from rent the actual costs incurred, not to exceed the greater of one month's rent or \$1,500, after submitting to the landlord an itemized statement accompanied by receipts for purchased items and third-party contractor services.

Elections & Redistricting

HB 1 Voter identification; signed statement in lieu of required form of identification, penalty.

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

HB 43 Provisional voting; persons voting in split precincts.

Provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number. At the meeting to determine the validity of all provisional ballots, the electoral board shall verify in which district the voter is qualified and count that ballot.

HB 105 Congressional and state legislative districts; written descriptions of boundaries not required.

Removes the requirement that the Division of Legislative Services prepare written descriptions of the boundaries of congressional and state legislative districts. The bill does not affect provisions under current law that district boundaries are legally defined by the county and city boundaries reported in the decennial Census reports and by reference to precincts, parts of precincts, and census blocks listed in the Statistical Reports for each district.

HB 108 & SB 601 Legal holidays; Election Day.

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

HB 146 Sample ballots; color of paper of unofficial sample ballots.

Removes the restriction on unofficial sample ballots being printed on yellow paper. With this bill, unofficial sample ballots are prohibited only from being printed on white paper. The bill contains technical amendments for clarity and readability.

HB 179 Recounts; procedure for certain ballots.

Requires recount officials to segregate all ballots for which there is a question regarding the ballot's validity prior to the conclusion of the recount of each precinct. The bill provides that the recount court may not consider the validity of any ballots not set aside.

HB 186 Election day page program; central absentee voter precinct.

Removes the prohibition against an election day page program being conducted in a central absentee voter precinct.

HB 196 Employment discrimination; prohibits against electoral board member, etc., for election day service.

Prohibits discrimination in employment against electoral board members and assistant general registrars on the basis of service on election day or at a meeting of the electoral board following the election to ascertain the results of the election. Current law prohibits such employment

discrimination only on the basis of election day service and only against officers of election. A violation of the bill's provisions is a Class 3 misdemeanor.

HB 198 Recounts; special election to be held in the case of a tie vote, exception.

Provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, there shall be a special election to determine which candidate is elected to the office. This provision would not apply in cases of tie votes occurring after a recount of an election for Governor, Lieutenant Governor, or Attorney General, which the Constitution of Virginia provides for, or for electors of President and Vice President of the United States, which will continue to be determined by lot.

HB 201 Elections; same-day registration, same-day registration.

Provides any person who is qualified to vote is entitled to register to vote in person up to and including the day of the election at the office of the general registrar in the locality in which the person resides or at the polling place for the precinct in which the person resides. Under current law, registration records close for registration purposes, whether in person or by other means, 21 days prior to a primary or general election. The bill has a delayed effective date of October 1, 2022.

HB 202 Officers of election; timing of additional training following change in law or regulation.

Requires the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect. Under current law, such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation.

HB 207 Absentee voting; no excuse required, permanent absentee voter list.

Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. The bill also provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The provisions of the bill providing for a permanent absentee voter list do not become effective until July 1, 2021.

HB 213 Voter identification; accepted forms of identification, out-of-state student identification card.

Adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the

United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting.

HB 214 Candidate petitions; residency of petition circulators, signed statement required for nonresident.

Removes the requirement that a person circulating a petition of qualified voters be a legal resident of the Commonwealth. The bill requires a nonresident petition circulator to sign a statement on the affidavit accompanying the petition that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required by law.

HB 220 Absentee voting; postage prepaid on return envelope.

Requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. *The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly.*

HB 232 Mail voter registration application forms; distribution to certain institutions.

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

HB 235 Voter registration; automatic voter registration.

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

already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

HB 236 Elections, State Board of; increasing membership and terms, role and eligibility, report.

Increases the membership of the State Board of Elections from three members to five members. Representation is given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Persons engaging in certain partisan activities, persons related to persons engaging in certain partisan activities, and persons related to members of the State Board are prohibited from serving as the Commissioner of Elections. The bill has a delayed effective date of January 1, 2021.

HB 237 Electoral boards, local; terms to begin January 1.

Provides for terms of local electoral board members to begin on January 1. If the results of an election have not been certified by the board or a recount of an election has not concluded, the term will expire at midnight on the day the results are certified or the recount is concluded, instead of December 31. Under current law, terms begin March 1.

HB 238 & SB 455 Absentee voting; deadline for returning absentee ballot.

Provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote.

HB 239 Absentee voting; extends deadline for applying for an absentee ballot.

Adjusts the deadline for a voter to apply for an absentee ballot that is to be cast by mail from the seventh day prior to the election to the eleventh day prior to the election. The bill also adjusts the deadline for applications for multiple elections for uniformed and overseas voters and for emergency applications and absentee ballots for persons incapacitated or hospitalized.

HB 240 Absentee voting; annual applications for eligible absentee voters.

Provides that any person who is eligible for an absentee ballot pursuant to law and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in that calendar year. This application requires a statement signed by the voter that he is eligible for an absentee ballot pursuant to law and is likely to remain so eligible for the remainder of the calendar year. Under current law, such a special annual application is available to persons who are eligible to vote absentee due to a disability or illness and are likely to remain eligible to vote absentee due to such disability or illness.

HB 241 Protected voter status; certain evidence not required.

Removes the requirement that a person who is in fear for his personal safety from another person who has threatened or stalked him must provide evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person in order to be granted protected voter status. The bill does not eliminate the requirement that he submit a signed written statement that he is in fear for his personal safety for him to be granted protected voter status.

HB 242 Absentee voting; emergency voting.

Provides a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill provides the Commissioner of Elections to take action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared.

HB 506 County manager plan; election of board members by instant runoff voting.

Provides that, in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill provides that the State Board of Elections may promulgate regulations governing elections determined by instant runoff voting. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked choice voting.

HB 539 Elections, State Board.

Requires that the State Board of Elections' supervision of the work of the local electoral boards and general registrars ensures that major risks to election integrity are identified and assessed and addressed as necessary to promote election uniformity, legality, and purity. As introduced, the bill was a recommendation of the Joint Legislative Audit and Review Commission.

HB 540 Elections administration; Department of Elections to employ a Director of Operations.

Directs the Department of Elections to employ a Director of Operations, who will be responsible for managing the day-to-day operations at the Department and ensuring (i) fulfillment of the Department's mission and responsibilities; (ii) compliance with state and federal election laws and regulations; and (iii) compliance with the Department's business, administrative, and financial policies. The bill provides that the Director of Operations position is a full-time classified

position subject to the Virginia Personnel Act. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

HB 784 Constitutional amendment; apportionment, Virginia Redistricting Commission (voter referendum).

Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020.

HB 872 Voter registration by mail; certain first-time voters permitted to vote by absentee ballot.

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

HB 1053 Voting systems; voter-verifiable paper record.

Requires any electronic voting system approved by the State Board of Elections to retain each printed ballot cast. Printed ballots are currently defined to include machine-readable ballots, and the bill amends the definition of a machine-readable ballot to mean a tangible ballot that is marked by a voter or by a system or device operated by voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine. The bill amends the requirements for sealing and delivering ballots after an election to include printed ballots; current law only addresses paper ballots.

HB 1061 Campaign finance; committee depositories and reimbursement.

Clarifies that committee treasurers may pay expenses by electronic debit drawn on a designated committee depository. Current law only allows for a check drawn on such depository. The bill also clarifies that reimbursements may be made for electronic debit payments made by an authorized committee representative.

HB 1086 & SB 555 Voting; restrictions on the basis of race.

Repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race.

HB 1103 Ranked choice voting; elections for local governing bodies, local option pilot program

Provides that elections for local governing bodies may be conducted by ranked choice voting, which the bill defines as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for

voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked choice voting. The bill has a delayed effective date of July 1, 2021, and sunsets on July 1, 2031.

HB 1210 Minority language accessibility; voting and election materials.

Requires the State Board of Elections to prescribe, and a covered locality to provide, voting and election materials in languages other than English. A county, city, or town is designated by the State Board as a covered locality if the State Board determines, in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in five-year increments, or comparable census data, that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. The bill also allows the State Board to make available voting and election materials in any additional languages other than those required as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter. The bill has a delayed effective date of September 1, 2021.

HB 1255 & SB 717 Congressional and state legislative districts; standards and criteria.

Provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, that prohibit the drawing of districts in ways that improperly dilute minority populations' voting power. The bill prohibits maps of districts, when considered on a statewide basis, from unduly favoring or

disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility.

HB 1285 Local electoral boards; office vacated if board member ceases to be qualified voter of county, etc.

Provides that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated and such vacancy is to be filled as provided by law. The bill clarifies that a person must be a qualified voter of the county or city in order to be eligible to serve as an electoral board member of that county or city.

HB 1556 Political campaign advertisements; authorization statement, name of candidate defined.

Defines "name of candidate" for purposes of political advertisement disclosure requirements to mean (i) the full name of the candidate as it appears on the statement of qualification filed by the candidate or as it will appear on the ballot or (ii) the first name, middle name, or nickname of the candidate as it appears on his statement of qualification and a last name of the candidate as it appears on his statement of qualification. The bill further provides that when a disclosure statement includes the name of a campaign committee, the name must be the same as it appears on the statement of organization. The bill has a delayed effective date of January 1, 2021, and further provides that any print media advertisement paid for or distributed prior to the effective date of the bill shall not be subject to the requirements of the bill.

HB 1678 Election day; extending polling hours from 7:00 p.m. to 8:00 p.m.

Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. *The bill provides that these changes will not become effective unless reenacted by the 2021 Session of the General Assembly.*

SB 57 Campaign finance reports; electronic filing requirement, local and constitutional offices.

Requires candidates for local and constitutional offices to file campaign finance reports by computer or electronic means. Under current law, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. The bill has a delayed effective date of January 1, 2021.

SB 65 Voter identification; repeal of photo identification requirements.

Removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration

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

SB 111 Absentee voting; no excuse required.

Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. Removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.

SB 219 Voter registration; automatic voter registration, effective clause.

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

SB 236 Constitutional amendment; Virginia Redistricting Commission (voter referendum).

Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020.

SB 316 Elections; date of June primary election.

Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. *The provisions of this bill do not become effective unless reenacted by the 2021 General Assembly.*

SB 469 Primary ballot; required statements as qualification for candidacy, failure to timely file.

Provides that the name of any person who does not file his written statement of qualification or statement of economic interests by the relevant deadline, or by the end of an extension period if an extension of the deadline has been granted by the State Board of Elections, shall not be printed on the primary election ballot.

SB 740 County and city precincts; required to be wholly contained within election districts.

Requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. By July 1 of each year ending in one, the governing body of each county and city is required to establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it is required to apply to the State Board of Elections for a waiver to administer a split precinct. The State Board is authorized to grant the waiver or to direct the establishment of a precinct with less than the minimum number of registered voters as permitted by current law. A governing body granted a waiver to administer a split precinct or is directed to establish a precinct with fewer than the minimum number of voters is permitted to use that precinct for any election held that year.

SB 859 Absentee voting; emergency absentee voting by, applications for persons hospitalized.

Amends the definition of hospital, for purposes of emergency absentee voting by or late absentee ballot applications for persons who have been hospitalized, so that it is not limited to hospitals in Virginia, the District of Columbia, or a state contiguous to Virginia. The bill also removes the requirement that a person submitting a late absentee ballot application due to the hospitalization of himself or a member of his immediate family or to the death of a member of his immediate family must be absent from his county or city on election day in order to be eligible for the late absentee ballot application.

SJ 18 Constitutional amendment; Virginia Redistricting Commission (second reference).

Establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail.

Eminent Domain

SB 28 Eminent domain; eliminates specific provisions for assessment of costs in certain proceedings.

Eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. The bill exempts condemnation actions for easements adjudged at less than \$10,000. The bill also provides that its provisions apply only to condemnation actions filed on or after July 1, 2020.

SB 31 Eminent domain; costs for petition for distribution of funds, interest rate.

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

proceeding. The bill provides that its provisions apply only to condemnation actions filed on or after July 1, 2020.

SB 951 Eminent domain; written offer to purchase property.

Requires a condemnor's written offer to purchase property prior to instituting a condemnation proceeding, and its written statement of the amount established as just compensation, to be on such condemnor's letterhead and signed by an authorized employee of such condemnor.

FOIA

HB 113 Protected information; newsmen engaged in journalism, definitions.

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

HB 313 & SB 259 Virginia Freedom of Information Act; library records.

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

HB 510 & SB 140 FOIA; public higher educational institutions, information on pledges and donations.

Provides that no discretionary exclusion in FOIA shall apply to protect information relating to the amount, date, purpose, and terms of a pledge or donation made to a public institution of higher education. The bill provides that the identity of the donor shall be protected only if (i) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (ii) the pledge or donation does not impose terms or conditions directing academic decision-making. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

HB 516 & SB 112 High school graduation; standard diploma requirements, etc.

Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience.

HB 548 FOIA; exempts DBHDS records of active investigations.

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

HB 722 & SB 269 Virginia Freedom of Information Act; exclusions, proprietary records and trade secrets.

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

HB 1290 & SB 251 Pharmacy benefits managers; licensure and regulation.

Provides that no person is authorized to provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager without first obtaining a license from the State Corporation Commission. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue; (ii) charging a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission; (iii) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or (iv) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure also imposes recordkeeping and reporting requirements. The bill has delayed effective date of October 1, 2020.

HB 1527 & SB 701 Conflict of Interests Act, State & Local Gov't, and FOIA; training requirements for ex. directors.

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

HB 1528 & SB 703 Conflict of Interests Act, State and Local Government; disclosure by executive directors & members.

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

HB 1529 Higher educational institutions, governing boards, donations, gifts, etc.

Requires the governing board of each public institution of higher education to establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. The bill requires each such policy to include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of \$1 million or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. The bill requires each public institution of higher education to retain documentation of such terms and conditions in compliance with the Virginia Public Records Act and provides that such documentation shall be subject to the provisions of the Virginia Freedom of Information Act.

SB 138 Virginia Freedom of Information Act; FOIA officers, training and reporting requirements.

Adds regional public bodies to the types of public bodies that must designate a FOIA officer. The bill also changes the frequency for required FOIA officer training from annually to once during

each consecutive period of two calendar years and provides that the name and contact information of a FOIA officer trained by legal counsel of a public body only needs to be submitted by July 1 of the initial year of training and updated if there are changes to that information. Current law requires this information to be submitted by July 1 of each year. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

SB 139 Freedom of Information Advisory Act; training requirements.

Adds the option for in-person training sessions in addition to the current requirement of online training sessions for local elected officials provided by the Virginia Freedom of Information Advisory Council or a local government attorney. The bill also clarifies that "local elected officials" includes constitutional officers.

SB 153 Virginia Freedom of Information Act; cost estimates, response time.

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

Local Authority

HB 4 & SB 36 Lottery Board; regulation and control of casino gaming, definitions.

Authorizes casino gaming regulated by the Virginia Lottery Board. Specifies the requirements for licensure of operators and casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues proceeds. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund

improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligible host city is approved, provided that the total number of additional machines shall not exceed 2,000 statewide, and provisions relating to the placement of historical horse racing terminals.

HB 62 & SB 107 Transient occupancy tax; removes July 1, 2021, sunset date from Arlington County, etc.

Removes the July 1, 2021, sunset date from Arlington County's authority to impose a transient occupancy tax at a rate not to exceed 0.25 percent to be used for the purpose of promoting tourism and business travel in the county. Under current law, in addition to this tax, Arlington County is authorized to impose a transient occupancy tax at a rate not to exceed five percent.

HB 106 Numbering on buildings; civil penalty.

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

HB 150 Derelict residential buildings; civil penalty.

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

HB 284 & SB 225 Removal of dangerous roadside vegetation; local option.

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

HB 306 & SB 938 Circuit court clerks; fees collected for recording and indexing.

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

HB 316 Refunds of local taxes; authority of treasurer.

Increases from \$2,500 to \$5,000 the maximum amount at which the governing body of a locality may authorize its treasurer to approve and issue a refund of taxes paid as a result of an erroneous tax assessment.

HB 343 & SB 465 Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.

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

HB 358 Public works contracts; definitions, authorization of project labor agreements.

Authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. The bill has a delayed effective date on May 1, 2021.

HB 369 Furloughs from local work release programs; furlough approved by local sheriff.

Provides that if any furlough permitted by the director of a work release program for an offender participating in a work release program under the supervision of the administrator of a regional jail would extend the limits of confinement of the offender to a locality not served by that regional jail, notice of such furlough shall be provided to the sheriff of such locality.

HB 370 & SB 292 Zoning appeals, Board of; dual office holding.

Authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election.

HB 395 & SB 7 Minimum wage; increases to \$9.50 per hour effective January 1, 2021.

Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective May 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the

Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers.

HB 406 Local government revenues and expenditures; comparative report, filing date.

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

HB 452 & SB 650 Virginia Public Procurement Act; small purchases.

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

HB 465 Transportation companies, certain; local regulation.

Extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause – effective date is March 27, 2020.

HB 534 & SB 11 Disposable plastic bags; local tax.

Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax.

HB 549 & SB 340 Overgrown vegetation; local authority.

Authorizes any locality within Planning District 23 to include provisions for cutting overgrown shrubs, trees, and other such vegetation in an ordinance requiring certain landowners to cut the grass, weeds, and other foreign growth on certain property.

HB 558 Micro-business; enhancement of 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.

HB 570 & SB 167 Teachers, public school; grounds for dismissal.

Removes the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public school teachers.

HB 582 & SB 939 Employees of local governments; collective bargaining.

Permits localities to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. Provides that for any governing body that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. Prohibits striking for public employees applies irrespective of any such local ordinance. Effective date in May 1, 2021.

HB 670 & SB 333 USBC & SFPC; proposal for changes to the Codes to address active shooters.

Provides that the Department of Housing and Community Development shall convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code, other law-enforcement organizations, and representatives of local governments throughout the Commonwealth to develop proposals for changes to the USBC and SFPC for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public buildings for active-shooter or hostile threats while maintaining compliance with basic accessibility requirements under the federal Americans with Disabilities Act.

HB 696 Local human rights ordinances; sexual orientation and gender identity.

Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.

HB 738 County board of supervisors; presiding officers, terminology.

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

HB 742 Unmanned aircraft; political subdivision may regulate take-off and landing of system.

Authorizes a political subdivision, by ordinance or regulation, to regulate certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. Requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary. The Department, by January 1, 2021, shall develop rules and regulations specific to take-offs and landings in consultation with the unmanned aircraft system industry, businesses utilizing unmanned aircraft systems, localities, and other stakeholders. Effective date is January 1, 2021.

HB 757 Public employment; limits inquiries by state agencies and localities regarding arrests.

Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. Does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. 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. Does not apply to positions for employment by the school board.

HB 760 Annual local audit; enforcement mechanism, civil penalty.

Provides an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification. Enforcement may include a writ of mandamus and a civil penalty.

HB 785 & SB 588 Localities; authority to levy taxes.

Modifies or eliminates several restrictions that apply to taxes imposed by counties and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a ten percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may

impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent.

HB 831 & SB 794 Utility easements; location of broadband and other communications facilities.

Declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement, (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measure provides that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

HB 833 & SB 8 Virginia Public Procurement Act; public works contracts, prevailing wage rate, penalty.

Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or

worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. Effective date is May 1, 2021.

HB 834 Order of publication; electronic notice.

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

HB 875 Grass; local ordinance on cutting.

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

HB 890 & SB 341 Construction management or design-build contracts; use by local public bodies.

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

HB 938 Courthouse; relocation or expansion.

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

HB 991 Firefighting equipment; weight limitation on interstate.

Requires firefighting equipment to comply with existing weight limitations for emergency vehicles on interstate highways. Current law exempts firefighting equipment from all size and weight limitations. The bill exempts emergency vehicles registered to a federal, state, or local agency or a fire company from any fee typically charged for the issuance of an overweight permit for such vehicle.

HB 1078 Virginia Public Procurement Act; process for competitive negotiation, etc.

Provides that, except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal.

HB 1080 Firearms or other weapons; unauthorized to possess on school property.

Provides that no school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute. The bill also clarifies that no exemption exists for a special conservator of the peace to possess a firearm or other weapon on school property.

HB 1126 Abandoned, unattended, or immobile vehicles; minimum weight.

Limits the current prohibition on and remedies for abandoned, unattended, or immobile vehicles to vehicles that weigh at least 75 pounds.

HB 1201 & SB 380 Virginia Public Procurement Act; determination of nonresponsibility, local option.

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

HB 1213 Summonses; authority of local government employees to issue for violations of local ordinances.

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

HB 1271 & SB 792 Nonpublic service companies, certain; conveyance of right-of-way usage.

Allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network.

HB 1300 & SB 607 Virginia Public Procurement Act; statute of limitations on actions on construction contracts.

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

HB 1385 & SB 349 Insurance benefits; certain retired employees of political subdivisions.

Allows localities to extend certain insurance benefits to retired employees of political subdivisions.

HB 1537 & SB 138 War memorials for veterans; removal, relocation, etc.

Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized.

HB 1575 Merchants' capital tax; separate classification, retailers.

Provides that the merchants' capital of any retailer reported as inventory that is located in a structure that contains at least 200,000 square feet, with at least 200,000 square feet used solely to store such inventory, shall, along with certain wholesalers, be considered a separate classification and may be taxed at a lower rate than other classifications of merchants' capital. Under current law, only merchants' capital of wholesalers meeting a similar threshold of 100,000 square feet constitutes a separate class of property.

HB 1639 Rural lands; DEQ shall convene work group to discuss issue of disposal of debris on lands.

Directs the Department of Environmental Quality (DEQ) to convene a work group to research the practice of rural landowners allowing, or allowing for compensation, the use of their lands as disposal sites for construction fill and debris from road construction and development projects.

The work group shall consider recommending regulations for possible adoption by DEQ, including a regulation containing a model ordinance relating to the practice for adoption by localities, and statutory changes, including changes to the practice related to agricultural engineering operations and construction of terraces.

HB 1655 Landowners; sale of certain property by locality, tax delinquent property.

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

HB 1679 Business licenses; acceptable identification.

Provides that for any application for a business license issued by a locality under its business, professional, and occupational license taxing authority, the locality shall not require an applicant to provide a social security number if the applicant provides his federal employer identification number instead. Further, if a valid federal employer identification number is provided, the locality shall not be required to determine the residency status of the applicant.

HB 1688 Cemeteries; grass cutting on land used for interment of human remains.

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

SB 20 Juvenile Justice, Bd of; regs governing housing of youth pursuant to contracts with federal gov't.

Requires the Board of Juvenile Justice, in collaboration with the Department of Behavioral Health and Developmental Services, to promulgate regulations governing the housing of youth who are detained in a juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.

SB 24 Agritourism activities; adds horseback riding or stabling to definition.

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

SB 149 Courthouse and courtroom security; assessment.

Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

SB 173 Stun weapons; prohibits possession on school property, exemptions.

Allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. The bill also allows a stun weapon to be stored in a closed container in a motor vehicle while such vehicle is on school property.

SB 224 Gloucester County; additional sales and use tax, appropriations to incorporated towns.

Authorizes Gloucester County to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax.

The bill removes the limit on the amount that Gloucester County may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held.

Under current law, only Halifax County has the authority to impose such taxes and make such appropriations.

SB 360 Water, sewerage, and drainage; standards for installation by developer, policies for reimbursement.

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

SB 487 Virginia Public Procurement Act; architectural and professional engineering term contracts.

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

SB 617 Absentee voting; voter satellite offices for absentee voting in person.

Authorizes the establishment of voter satellite offices by governing bodies of counties and cities for purposes of absentee voting in person. No change in any voter satellite office, including the creation of a new voter satellite office or abolishment of an existing voter satellite office, may be enacted within the 60 days immediately preceding a general election. The bill requires general registrars to post notice of the locations of all voter satellite offices within the locality, and their days and hours of operation, not later than 55 days prior to any election. Requirements for polling places, including accessibility for persons with disabilities, changes of location due to emergency circumstances, and funding, apply to voter satellite offices. The provisions of the bill are applicable to elections beginning with the general election on November 3, 2020.

SB 849 Lawn fertilizer; contractor-applicators.

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

SB 868 Discrimination; prohibited in public accommodations, etc., causes of action.

Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions,

age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments.

SB 941 Local government meetings; weather.

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

SB 1008 Emergency and disaster law; political subdivisions.

Provides that except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.

Local Revenue

HB 200 & SB 943 Mecklenburg County; additional sales and use tax, appropriations to towns.

Authorizes Mecklenburg County to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax.

The bill removes the limit on the amount that Mecklenburg County may appropriate to a town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held.

Under current law, only Halifax County has this authority.

HB 305 & SB 940 Circuit court clerk's fee; lodging, etc., of wills.

Increases from \$2 to \$5 the fee that the circuit court clerk is required to charge for lodging, indexing, and preserving a will.

HB 306 & SB 938 Circuit court clerks; fees collected for recording and indexing.

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

HB 342 Meals tax and food and beverage tax; exemption for farmers market, roadside stand.

Exempts from meals tax, which may be imposed by any city or town, and food and beverage tax, which may be imposed by any county, sales by sellers at local farmers markets and roadside stands when such sellers' annual income from such sales does not exceed \$2,500. The bill defines such sellers' annual income as income from sales at all local farmer's markets and roadside stands, not just those sales occurring in the locality imposing the tax.

HB 466 Business licenses; certain localities allowed to waive requirements.

Allows localities with a population greater than 50,000 to waive license requirements for businesses with gross receipts of \$200,000 or less. Current law limits such waiver to businesses with gross receipts of less than \$100,000.

HB 486 Henry and Pittsylvania Counties and City of Danville; additional sales and use tax.

Authorizes Henry County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax.

The bill removes the limit on the amount that Henry County, Northampton County, Patrick County, and Pittsylvania County may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held. Under current law, only Halifax County has this authority.

HB 537 & SB 727 Real estate tax; exemption for property in redevelopment or conservation areas.

Increases the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years.

HB 724 & SB 273 Tangible personal property tax; classes of property, satellites.

Extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029.

HB 755 Real property taxes; definitions, blighted and derelict properties in certain localities.

Provides that, in certain localities, blighted properties and derelict structures shall constitute a separate class of property for local taxation of real property. Such certain localities may, by ordinance, levy a tax on blighted properties and derelict structures at a rate that exceeds the general real property tax rate by five and 10 percent, respectively. Any tax levied pursuant to such an ordinance shall be imposed upon a determination by the real estate assessor that a property constitutes a blighted property or derelict structure. The bill also provides that, in such certain localities, delinquent tax lands may be sold six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill contains technical amendments.

HB 785 & SB 588 Localities; authority to levy taxes.

Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a ten percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent.

HB 839 & SB 93 Taxes on income, wills, administrations; exemption for victims of Va. Beach shooting.

Establishes an exemption from probate tax for a person killed or injured in the 2019 Virginia Beach mass shooting. The bill provides that if, prior to its enactment, a person eligible for a tax exemption pursuant to the bill paid tax to the Commonwealth or a locality for a will or grant of administration of a victim's estate, either the Commonwealth or the locality, as applicable, shall refund the tax. The bill contains an emergency clause.

HB 906 & SB 163 Entitlement to sales tax revenues from certain public facilities; authorized localities.

Adds the City of Chesapeake to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. The bill adds outdoor amphitheater to the list of authorized public facilities, provided that a locality owns, wholly or partly, and contributes to the construction of

such amphitheater, and extends until July 1, 2024, the period of time during which authorized localities may issue bonds for the construction of public facilities and retain sales and use tax to pay off such bonds. Under current law, authority expires on July 1, 2020.

HB 1021 Personal property tax; farm machinery, classification of forest harvesting.

A locality may exempt from tangible personal property taxes certain farm machinery and farm implements, which shall include equipment and machinery used for forest harvesting and silvicultural activities.

HB 1131 & SB 762 Solar energy projects; revenue share assessment.

Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met.

HB 1268 Constitutional amendment; property tax exemption for vehicle of a disable veteran.

Provides for a referendum at the November 3, 2020, election to approve a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces who has a one hundred percent service-connected, permanent, and total disability.

HB 1327 Property taxes; generating equipment of electric suppliers utilizing wind turbines.

For a locality that imposes property taxes on generating equipment of electric suppliers utilizing wind turbines that have filed with an electric utility or regional transmission organization by July 1, 2020, provides that the rate shall not exceed the locality's real estate tax rate by more than \$0.20 per \$100 of assessed value. For other projects, and under current law, the tax may exceed the real estate rate but cannot exceed the general personal property tax rate in the locality.

HB 1434 & SB 763 Local tax; amount of exemption for solar energy equipment.

Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill provides that if a locality assesses a revenue share on a project, the phase-down shall not apply. The bill extends the sunset date after which new projects may not qualify for the exemption from January 1, 2024 to July 1, 2030.

HB 1575 Merchants' capital tax; separate classification, retailers.

Provides that the merchants' capital of any retailer reported as inventory that is located in a structure that contains at least 200,000 square feet, with at least 200,000 square feet used solely to store such inventory, shall, along with certain wholesalers, be considered a separate classification and may be taxed at a lower rate than other classifications of merchants' capital. Under current law, only merchants' capital of wholesalers meeting a similar threshold of 100,000 square feet constitutes a separate class of property.

HB 1615 Recordation tax; supplemental writings.

Provides that for a deed of trust or mortgage (i) that conveys property that is either (a) partly within and partly outside the Commonwealth or (b) is within the Commonwealth and secures debts secured by deeds of trust on property outside the Commonwealth and (ii) secures the entire amount of that debt, recordation tax shall only be imposed on the proportion of debt that the Virginia property bears to the actual value of the entire amount of property conveyed.

HJ 103 Constitutional amendment; property tax exemption for vehicle of a disabled veteran.

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

SB 149 Courthouse and courtroom security; assessment.

Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

State Revenue

HB 307 & SB 931 Income tax, state; subtraction for crime stopper rewards.

Increases from \$1,000 to \$5,000, beginning tax year 2020, the maximum amount subtracted from taxable income for a reward for providing information to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement, that is used in the apprehension and conviction of perpetrators of crimes.

HB 408 Green Job Creation Tax Credit; extends sunset date.

Extends the sunset date of the green job creation tax credit from January 1, 2021, to January 1, 2025. The bill contains technical amendments.

HB 590 & SB 200 Income tax, state; housing choice vouchers, eligible housing areas.

Expands the definition of "eligible housing area" for the housing choice voucher tax credit to include Virginia census tracts in the Washington-Arlington-Alexandria Metropolitan Statistical Area in which less than 10 percent of the population lives below the poverty level. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to such areas within the Richmond and Virginia Beach-Norfolk-Newport News Metropolitan Statistical Areas.

The bill establishes a 2025 sunset date on the credit.

HB 748 & SB 110 Research and development tax credits; extends sunset date, aggregate caps.

Extends sunset for the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2025. Beginning tax year 2021, increases the aggregate cap of the research and development expenses tax credit from \$7 to \$7.77 million and the aggregate cap of the major research and development expenses tax credit from \$20 to \$24 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1.

HB 785 & SB 588 Localities; authority to levy taxes.

Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. Authorizes most counties to impose an admissions tax, not to exceed a 10% rate. Under current law, only certain counties may impose an admissions tax. Eliminates the limit on the rate of transient occupancy tax that a county may impose. Requires that any revenue attributable to a rate over 2% but not exceeding 5% must be dedicated to tourism marketing. The provisions related to the transient occupancy tax have delayed effective date of May 1, 2021. Under current law, all counties may impose a transient occupancy tax of up to 2%, and certain counties may impose a higher maximum rate. Authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. Provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. Provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. Authorizes any county to impose a food and beverage tax of up to 6% and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent.

HB 1154 Litter taxes; increases annual amount of tax.

Increases the annual litter tax from \$10 to \$20 and the additional annual litter tax from \$15 to \$30. Both taxes are imposed on manufacturers, wholesalers, distributors, and retailers of certain products; however, the additional tax applies to fewer businesses.

HB 1318 & SB 923 Motion picture production tax credit; media-related exemptions, extends sunset provision.

Extends from January 1, 2022, to January 1, 2027, the sunset of the motion picture production tax credit and transfers the certifying authority for the credit from the Virginia Film Office to the Virginia Tourism Authority. The bill also extends from July 1, 2022, to July 1, 2027, the sunset for certain sales tax exemptions related to film production and distribution.

HB 1413 & SB 582 Commonwealth's tax system; conformity with the Internal Revenue Code.

Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deconforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill has an emergency clause.

HB 1615 Recordation tax; supplemental writings.

Provides that for a deed of trust or mortgage (i) that conveys property that is either (a) partly within and partly outside the Commonwealth or (b) is within the Commonwealth and secures debts secured by deeds of trust on property outside the Commonwealth and (ii) secures the entire amount of that debt, recordation tax shall only be imposed on the proportion of debt that the Virginia property bears to the actual value of the entire amount of property conveyed.

HB 1623 Open-space preservation; increases fee for every writing document and instrument admitted to record.

Increases from \$1 to \$3 the fee for open-space preservation charged for every deed, deed of trust, contract, or other instrument admitted to record in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The bill also clarifies that the fee applies to any "deed, deed of trust, contract, or other instrument" admitted to record, replacing the term "deed."

SB 277 Income tax, state and corporate; deduction for commuter benefits by employer.

Establishes, for tax years 2021 to 2025, an individual and corporate income tax deduction for commuter benefits provided by an employer to its employees. The deduction is limited to \$265.

SB 434 Child support; assignment of tax credits.

Provides that the court may assign a party in a child support proceeding the right to claim any credits resulting from the income tax dependency exemption for any child or children of the parties for federal and state income tax purposes.

SB 590 Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

Postpones from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials. Starting in taxable year 2020, the bill makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill.

The bill provides that certain machinery, tools, and materials used in advanced recycling shall be exempt from sales tax. Starting in taxable year 2021, the bill provides that such machinery, tools, and materials shall be segregated and classified as machinery and tools, which are taxed at a lower rate than the generally applicable personal property tax rate.

SB 745 Income tax, state; exclusion, student loan forgiveness, disabled veterans.

Excludes from Virginia adjusted gross income any income received by a totally and permanently disabled veteran from student loan debt cancellation or discharge for taxable years 2020 through 2025.

Land Conservation

HB 5 & SB 478 Clinch River; designating segment in Tazewell County as State Scenic River.

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

HB 282 & SB 288 Maury River; designating a 19.25-mile segment as a component of the Virginia Scenic Rivers System.

Designates a 19.25-mile segment of the Maury River as a component of the Virginia Scenic Rivers System.

HB 886 State Trails Advisory Committee; extends sunset provision.

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

HB 1145 Pound River; designating as a Va. scenic river.

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

HB 1622 Open-Space Lands Preservation Trust Fund; acquisition of interests in property.

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

HB 1623 Open-space preservation; increases fee for every writing document and instrument admitted to record.

Increases from \$1 to \$3 the fee for open-space preservation charged for every deed, deed of trust, contract, or other instrument admitted to record in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The bill also clarifies that the fee applies to any "deed, deed of trust, contract, or other instrument" admitted to record, replacing the term "deed."

HB 1695 & SB 1004 Wildlife Corridor Action Plan; created.

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

SB 1048 Virginia Horse Center Foundation; DACS to investigate and negotiate public assistance.

Directs the VDACS to investigate and negotiate involvement of the Commonwealth in the whole or partial operation or management of the Virginia Horse Center Foundation, including the addition of state-appointed members to the Board of Directors of the Foundation.

SB 1094 Conservation and Recreation, Department of; authorized to divest itself of property.

Authorizes the DCR to convey certain property that was previously conveyed to it by Norfolk Southern Railroad for the New River Trail State Park.

Land Use and Growth Management

HB 166 & SB 869 Hearing notice by localities; timely notice related to planning or zoning matter to newspaper, etc.

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

HB 505 Zoning appeals, board of; writ of certiorari.

Provides that once the writ of certiorari is served in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days or as ordered by the court to respond.

HB 554 Zoning; wireless communications infrastructure.

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

HB 585 Comprehensive plan; certain localities to promote transit-oriented development.

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

HB 655 & SB 870 Solar photovoltaic projects; special exceptions for any project.

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

HB 656 & SB 875 Solar energy projects; national standards.

Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects.

HB 726 & SB 746 Comprehensive plan; adoption or disapproval by governing body.

Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment for more than 25 parcels from 90 to 150 days.

HB 788 Restrictive covenants; deeds of reformation.

Prohibits a deed containing a restrictive covenant from being recorded on or after July 1, 2020, and provides the form for a Certificate of Release of Certain Prohibited Covenants to be recorded to remove any such restrictive covenant.

HB 929 Subdivision plats; certain approved final plats shall remain valid indefinitely, etc.

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.

HB 998 Flood plain; adoption of 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.

HB 1101 & SB 834 Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

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

The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site,

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

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

HB 1267 Land bank entities; planning district commissions.

Permits localities to designate a planning district commission to carry out the functions of a land bank entity.

HB 1369 Land bank entities; conflict of interests.

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

HB 1431 Art and Architectural Review Board; number of citizen members, staggered terms.

Increases from six to seven the number of members of the Art and Architectural Review Board by adding one citizen member appointed by the Governor from the Commonwealth at large and clarifies that all members appointed to the Board have voting privileges.

HB 1675 Solar energy facilities; definitions, siting agreement with host locality.

Requires applicant for a solar facility to give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone, in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality. The siting agreement may include terms and conditions, including mitigation of any impacts of such solar facility and financial compensation to the host locality to address capital needs. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing for the consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such agreement, the agreement shall be executed by the signatures of (i) the chief executive officer of the locality and (ii) the applicant or the applicant's agent. The bill does not apply to any solar facility that has received approval from the locality on or before January 1, 2020.

SB 24 Agritourism activities; adds horseback riding or stabling to definition.

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

SB 181 Alcoholic beverage control; commercial lifestyle center.

Reduces from 25 to 10 the minimum number of acres upon which a commercial development must sit in order to qualify for licensure as a commercial lifestyle center.

SB 589 Zoning administrators; notice of decisions and determinations.

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

Transportation Funding

HB 1414 & SB 890 Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.

Amends numerous law related to transportation funds, revenue sources, construction, and safety programs.

The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation.

The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed.

Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment.

In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional

congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent.

The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority.

The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program.

HB 1518 Primary and secondary highways; compensation of counties for certain construction.

Allows the Department of Transportation to pay a locality up-front for eligible expenses related to certain transportation projects administered by the locality, instead of being reimbursed after completion of the project. The bill also removes language related to an obsolete funding formula.

HB 1541 Central Virginia Transportation Authority; created.

Creates the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15. The Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel. Then indexed for inflation.

HB 1726 & SB 1038 Hampton Roads Regional Transit Program and Fund; created, transit funding.

Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill.

SB 230 Grantor's tax and regional transportation improvement fee; payment of tax or fee.

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

Pedestrian Safety, Bike Safety & Walkability

HB 465 Transportation companies, certain; local regulation.

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

HB 543 & SB 871 Electric power-assisted bicycles; amends definition.

Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet.

SB 437 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. 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.

Other Transportation Policy Issues

HB 284 & SB 225 Removal of dangerous roadside vegetation; local option.

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

HB 411 Veterans; DMV shall offer information on services available to any person.

Requires the Department of Motor Vehicles to offer information on veteran services available in the Commonwealth to any person who identifies himself as a veteran on a document submitted to the Department for the purpose of a driver or vehicle transaction. The bill has a delayed effective date of January 1, 2021.

HB 538 & SB 726 Richmond Metropolitan Transportation Authority; change in membership.

Decreases from five to four the number of members of the Richmond Metropolitan Transportation Authority appointed by the Mayor of the City of Richmond and adds to the Authority one member of the City Council of the City of Richmond appointed by the president of the Council.

HB 663 Ignition interlock systems; venue.

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

HB 874 & SB 160 Handheld personal communications devices; holding devices while driving a motor vehicle.

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

HB 885 & SB 63 Reckless driving; raises threshold for speeding.

Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. The bill also provides that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100.

HB 941 & SB 577 VDOT; electronic speed indicator signs on U.S. Route 17.

Requires the Commissioner of Highways to place at least six permanent electronic speed indicator signs on U.S. Route 17 near particular intersections in Fauquier County.

HB 1211 & SB 34 Driver privilege cards; definitions, effective date, report.

Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021.

HB 1217 Transportation, Department of; at-risk infrastructure, report.

Directs the Department of Transportation, in collaboration with the Commonwealth Center for Recurrent Flooding Resiliency, to (i) identify roads and bridges under the jurisdiction of the Department at risk of deterioration due to flooding in Northern Virginia; (ii) develop recommendations for managing such assets; and (iii) report its findings and recommendations to the Chairs of the House and Senate Committees on Transportation by the 2022 Session.

HB 1259 Parking; regulation by certain counties and towns.

Adds the County of Frederick and the Town of West Point to the list of counties and towns that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district.

HB 1271 & SB 792 Nonpublic service companies, certain; conveyance of right-of-way usage.

Allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network.

HB 1348 & SB 328 Overweight permits; forest products.

Clarifies that the definition of forest products for the purpose of qualifying for an overweight permit for hauling forest products includes wood pellets.

HB 1427 Passing stopped school bus; vendor, administrative fee.

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

HB 1442 Photo speed monitoring devices; civil penalty.

Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police.

HB 1666 People with disabilities that can impair communication; vehicle registration.

Authorizes an individual with a disability that can impair communication to voluntarily indicate such disability on his application for registration of a motor vehicle. The bill requires the Department of Motor Vehicles to share this indication with criminal justice agencies.

HB 1705 Pedestrians; drivers to stop when yielding the right-of-way.

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

approaching such stopped vehicle from an adjacent lane or from behind from overtaking and passing the stopped vehicle. The bill contains technical amendments.

HB 1726 & SB 1068 Hampton Roads Regional Transit Program and Fund; created, transit funding.

Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. Use of the funds would require a two-thirds vote of the localities in which the new taxes were imposed. The bill also includes a local maintenance of effort of public transportation funding.

HB 1733 & SB 1014 Advanced Production Grant Program and Fund; created.

Creates the Advanced Production Grant Program and Fund to make grant payments to an eligible business transportation manufacturer and producer that engages in the production of business trucks and that makes a capital investment of at least \$58 million at a facility in Pittsylvania County and creates at least 703 new full-time jobs at the facility. The eligible company would be eligible for an aggregate of \$7 million in grants paid out over a five-year period if it meets such performance parameters and complies with the terms of a memorandum of understanding agreed upon by the qualified company, the Commonwealth, and the Virginia Economic Development Authority.

HJ 130 Marijuana; JLARC to study legalization, regulation, etc.

Directs the Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022, and address the impacts of marijuana prohibition.

SB 246 Driver's license, etc.; sex designation on application form.

Requires the Department of Motor Vehicles to offer any applicant the option to mark "male," "female," or "non-binary" when designating the applicant's sex on an application for a driver's license or special identification card.

SB 439 Driving under the influence; remote alcohol monitoring, penalty.

Provides that in the case of an adult offender's first conviction of driving under the influence when the offender's blood alcohol content was less than 0.15, upon motion of the offender, the sole restriction of the offender's restricted driver's license shall be the prohibition of the offender from operating any motor vehicle not equipped with a functioning, certified ignition interlock

system for one year without any violation of the ignition interlock system requirements. The bill provides that if a person is ineligible to receive a restricted license, a court may instead authorize such person to use a remote alcohol monitoring device, refrain from alcohol consumption, and participate in an alcohol safety action program; such provisions of the bill shall become effective on July 1, 2021. The bill provides that tampering with a remote alcohol monitoring device is a Class 1 misdemeanor.

SB 1035 Motor vehicle dealers; redefines "relevant market area" for purposes of motorcycle franchises.

Redefines "relevant market area" for purposes of motorcycle franchises. The bill also removes the burden of proof from a motor vehicle dealer in a hearing related to a motorcycle franchise license.

Other Issues

HB 1003 Virginia Geographic Information Network; transfer of responsibilities.

Transfers the support and administration of the 9-1-1 Services Board and Virginia Geographic Information Network Advisory Board from the Virginia Information Technologies Agency to the Virginia Department of Emergency Management. The bill also adds the State Coordinator of Emergency Management to the Virginia Geographic Information Network Advisory Board.