

2020 GENERAL ASSEMBLY SUMMARY



*Thomas
Jefferson*

Planning District Commission

P. O. Box 1505, Charlottesville, VA 22902

Representing the Local Governments of:

**Albemarle County
City of Charlottesville
Fluvanna County
Greene County
Louisa County
Nelson County**

Dale Herring, *Chair*
Chip Boyles, *Executive Director*
David Blount, *Director of Legislative Services*

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OVERVIEW

The 2020 General Assembly finished its work on March 12, stretching the session past its scheduled adjournment by an additional five days. The delayed adjournment was due largely to a heavy legislative load and a few hang-ups between the House and Senate over approval of changes to the current, FY20 budget and adoption of a new biennial budget for FY21 and FY22. Meanwhile, the legislature passed nearly 1,300 bills that were sent to the governor for his action; this number represents an increase of nearly 50% compared to bills passed during the most recent “long session” in 2018.

The days immediately following adjournment were dominated by the news and impacts of the COVID-19 virus, which sent shockwaves through the state and the nation, resulting in dramatic alterations to the economy and health of Virginia and its citizens. This major disruption is causing significant drops in revenues in both state and local operating budgets. Thus, an overhaul of both the FY20 state budget, as well as the next biennial spending plan, began when the General Assembly reconvened April 22 to consider amendments proposed by the governor. At that time, much of the new, discretionary spending that had been approved in the FY21/22 budget was frozen. The General Assembly is expected to convene in special session this summer to make further reductions and adjustments to the two-year state spending plan for FY21/22.

APPROVED LEGISLATION

Following are highlights of approved legislation in the areas of environment, education, finance, human services, land use, local government, public safety and transportation. A number of other bill topics are included under the “Miscellaneous” section. Bills take effect July 1, unless otherwise noted. Approved studies and resolutions also are listed.

Environment

HB 504 (*Hope*) adds the preservation of mature trees or planting of trees, as both a water quality protection tool and for providing other natural resource benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote for local governments to use as they consider development in Chesapeake Bay Preservation Areas.

HB 520 (*Bulova*) directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group to study the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). A report is due November, 2020, to include a recommendation as to whether tree planting or preservation shall be deemed a creditable land cover type or BMP.

HB 533 (*Carr*) prohibits the dispensing by a food vendor of prepared food in a single-use expanded polystyrene food service container, effective July 1, 2023, for certain chain restaurants and by all food vendors as July 1, 2025. The bill exempts certain institutions and provides a process by which a locality may grant exemptions to individual food vendors. Civil penalties for violations are to be deposited into the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate.

HB 534 (*Carr*) and **SB 11** (*Ebbin*) allow localities to impose a five-cent tax on disposable plastic bags, with revenue generated to be collected by the State and then returned to localities for environmental cleanup; environmental education programs; pollution and litter mitigation; or

providing reusable bags to SNAP and WIC recipients. Certain bags would be exempted. The bills take effect January 1, 2021, and retailers would be able to retain two cents for the first two years, then one cent thereafter.

HB 542 (*Carr*) directs the State Water Control Board (SWCB) to estimate the risk that each locality and region in the state will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basins.

HB 882 (*Bulova*) directs the SWCB to adopt regulations providing for the use of a BMP only if another state, regional or national certification program has verified and certified its nutrient or sediment removal effectiveness. Any such proprietary BMP included on the Virginia BMP Clearinghouse website prior to July 1, 2020, must have documentation showing that its effectiveness has been so verified; such BMP that fails to provide such documentation is prohibited from being used in stormwater management plans submitted on or after January 1, 2022.

HB 1354 (*Plum*) establishes the Plastic Waste Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the state.

HB 1598 (*Fariss*) adds a 20-mile portion of the James River located in Albemarle, Buckingham and Fluvanna Counties to the James State Scenic River, a component of the Virginia Scenic Rivers System.

HB 1609 (*Mugler*) and **SB 747** (*Hanger*) provide that, with the exception of certain MS4 permittee transfers, nutrient credits or sediment credits generated by a project undertaken by a public body are to be used only by such public body and only for compliance purposes.

SB 849 (*Mason*) authorizes the Commissioner of Agriculture and Consumer Services to enter into an agreement with a locality to provide oversight and data collection related to the requirements of certified lawn fertilizer contractor-applicators. The bill also reduces from 100 to 50 the total number of acres of nonagricultural land to which a contractor-applicator may apply fertilizer annually without submitting an annual report to the Commissioner.

Education

HB 351 (*Bell*) and **SB 324** (*Deeds*) require the Department of Education to survey local school divisions to identify critical shortages of school bus drivers by geographic area. The bill permits any school bus driver hired by a local school board in an area identified as having a critical shortage to elect to continue to receive a retirement allowance during such employment, if the driver meets certain other conditions.

HB 1508 (*McQuinn*) and **SB 880** (*Locke*) prescribe that there be one school counselor position per 325 students in grades K-12, effective with the 2021–2022 school year.

HB 1513 (*McQuinn*) requires school divisions to provide a monthly health insurance credit of \$1.50 per year of service to non-teacher employees of a local school division who retired with at least 15 years of total creditable service. In addition, localities may elect to provide such individuals an additional health insurance credit of up to \$1 per month for each year of creditable service. No such benefits shall be paid to any such employee prior to July 1, 2021.

SB 888 (*McClellan*) establishes the Commission on School Construction and Modernization to provide guidance and resources to local school divisions related to school construction and

modernization, and to make funding recommendations to the General Assembly and the Governor. The bill sunsets on July 1, 2026.

Finance

HB 172 (*Krizek*) creates the Virginia State Police Electronic Summons System Fund, to be funded by a \$5 court cost fee on each criminal or traffic case in which State Police issued the summons, ticket or citation. Funds generated are to be used for implementing and maintaining an electronic summons system. Currently, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes.

HB 316 (*Gooditis*) increases from \$2,500 to \$5,000 the maximum amount at which a local governing body may authorize its treasurer to approve and issue a refund of taxes paid as a result of an erroneous tax assessment.

HB 342 (*Bell*) exempts from the meals or food and beverage tax, sales by sellers at local farmers markets and roadside stands when their annual income from such sales does not exceed \$2,500.

HB 537 (*Carr*) and **SB 727** (*McClellan*) provide that the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts be increased from 15 to 30 years.

HB 785 (*Watts*) and **SB 588** (*Hanger*) provide counties with additional revenue-raising flexibility, though with some limitations. Specifically, effective July 1, 2020, the bills allow counties to enact admissions taxes on attendance at events of up to 10% and allow meals taxes of up to 6% without having to get voter approval to enact. The bills also allow lodging taxes up to 5% in any county that has not already received legislative approval (effective May 1, 2021). Finally, the bills allow new cigarette taxes of up to 40 cents per pack, effective July 1, 2021. However, the measures cap city/town cigarette taxes at current rates, if higher than the 40 cents.

HB 1021 (*L. Adams*) clarifies that equipment used for forest harvesting and silvicultural activities qualifies as farm machinery and farm implements that localities may choose to exempt. Localities may not classify exempt equipment used for such activities as a separate class of tangible personal property subject to tax at a lower rate.

HB 1131 (*Jones*) and **SB 762** (*Barker*) authorize any locality to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project, with certain exceptions, and expand an existing tax exemption for such projects under certain conditions.

HB 1434 (*Jones*) and **SB 763** (*Barker*) stipulate that that the certified pollution control property tax exemption for solar projects generating greater than five megawatts shall be available only to projects for which an application has been filed with the locality before July 1, 2030.

HB 1495 (*Torian*) and **SB 54** (*Cosgrove*) allow a retired law-enforcement officer to continue to receive VRS retirement allowances during a subsequent period of employment by a local school division as a school security officer, as long as such officer has at least a 12-month break in service.

HB 1575 (*M. Cole*) provides that the merchants' capital of any retailer reported as inventory that is located in a structure containing at least 200,000 square feet, with at least that area used solely

to store such inventory, shall be considered a separate classification and may be taxed at a lower rate than other classifications of merchants' capital.

HB 1581 (*Heretick*) transfers from the local clerk of court to the local treasurer the duties of maintaining records of delinquent real property taxes and sales of such property and of correcting records relating to such property.

SB 149 (*Howell*) increases from \$10 to \$20 the maximum amount a local governing body may assess as part of the costs in a criminal or traffic case, with such funds to be put toward courthouse and courtroom security.

SB 277 (*Barker*) establishes, for taxable years 2021 through 2025, a “commuter tax benefit” that would allow tax deductions for employers to provide transit and ridesharing for employees (up to \$265 per employee). The bill also directs the Department of Rail and Public Transportation to study the utilization and impacts of such tax deductions for businesses. The bill would not become effective unless reenacted by the 2021 General Assembly.

SB 1039 (*Vogel*) provides that the real property tax exemption for certified solar energy and recycling equipment would be retroactive to the date of installation, if the taxpayer obtains certification within one year of installation; under current law, the exemption is effective the next tax year after certification.

Human Services

HB 378 (*Rasoul*) and **SB 864** (*Pillion*) repeal the sunset on a program established in 2017 that allows the Health Commissioner to establish and operate local or regional comprehensive harm reduction programs. In addition, **HB 791** (*Plum*) expands the provisions of the program to allow health departments or other organizations that promote scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors to establish such programs.

HB 400 (*Levine*) and **SB 156** (*Favola*) codify the Fostering Futures program currently authorized in the Appropriation Act. The program provides services and support to individuals between the ages of 18 and 21 who were in foster care as a minor and are transitioning to full adulthood and self-sufficiency.

HB 778 (*Jones*) and **SB 412** (*Marsden*) increase from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services.

HB 1257 (*Rasoul*) directs the State Board of Health to adopt regulations establishing maximum contaminant levels in public drinking water systems. The bill is effective January 1, 2022.

Land Use

HB 505 (*Knight*) 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 has 21 days, or as ordered by the court, to respond.

HB 554 (*VanValkenburg*) allows a locality to disapprove an application for wireless infrastructure if the applicant did not give at least 15 days written notice to adjacent landowners before applying to locate a new structure in the area.

HB 585 (*Guzman*) requires cities over 20,000 in population and counties with over 100,000 in population to consider incorporating into their comprehensive plan, strategies to promote transit-oriented development.

HB 655 (*Heretick*) and **SB 870** (*Marsden*) authorize localities to include reasonable regulations and provisions in their zoning ordinance for a special exception for any solar photovoltaic project.

HB 656 (*Heretick*) and **SB 875** (*Marsden*) authorize localities to include in their zoning ordinance provisions to incorporate generally-accepted national standards for the use of solar panels and battery technologies for solar photovoltaic projects.

HB 657 (*Heretick*) 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 plan.

HB 726 (*Reid*) and **SB 746** (*Bell*) extend the time, from 90 days to 150 days, by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment for more than 25 parcels.

HB 929 (*Coyner*) 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 (*Hayes*) allows localities to 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 1639 (*Guzman*) directs DEQ to convene a work group to research the practice of rural landowners allowing the use of their lands as disposal sites for construction fill and debris from road construction and development projects.

HB 1675 (*Hodges*) requires any applicant for a solar facility to give the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone in such locality and to request a meeting. These provisions do not apply to any solar facility that received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020.

SB 24 (*Peterson*) adds horseback riding to the definition of "agritourism activity."

SB 589 (*Hanger*) requires a zoning administrator to provide notice to an adjacent property owner of any decision or determination by the zoning administrator that could impair the ability of the property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well.

SB 647 (*Boysko*) provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment or other cause; the bill contains a grandfather clause for certain existing provisions.

SB 968 (*Marsden*) removes the requirement that billboard signs being relocated as a result of land acquisition due to the widening, construction or reconstruction of any highway comply with state maintenance and repair provisions for nonconforming billboards.

Local Government

HB 106 (*Cole*) provides that any ordinance that requires buildings to have visible numbering may include provisions for a civil penalty up to \$100 for a violation that has not been corrected within 15 days of notice of such violation.

HB 150 (*Samirah*) enables localities with real estate tax abatement programs to assess a civil penalty of up to \$500 per month for failure to submit a plan to remediate a derelict building under the provisions of the program.

HB 284 (*J.G. Cole*) and **SB 225** (*Stuart*) authorize localities to require the owner of any property adjacent to a public right-of-way to maintain or remove any and all trees, tree limbs, shrubs, high grass or other substance that might 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 343 (*Bell*) and **SB 465** (*Reeves*) expand the scope of permitted in-kind donations by a locality to volunteer firefighting and EMS agencies.

HB 345 (*Bell*) and **SB 281** (*Deeds*) revise the Town of Scottsville charter.

HB 370 (*Bell*) and **SB 292** (*Deeds*) allow a member of the local board of zoning appeals to serve as an election officer.

HB 421 (*Price*) and **SB 35** (*Survovell*) authorize localities to prohibit the possession or carrying of firearms in local government buildings; recreational or community centers operated by localities; public parks and at permitted events. The bills stipulate requirements for posting notice of such ordinances, and provide that ordinances also may include security measures designed to prevent unauthorized access to such facilities.

HB 465 (*Keam*) extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized scooters for hire in a locality that has not taken action to regulate 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. The bill contains an emergency clause and took effect March 27.

HB 582 (*Guzman*) and **SB 939** (*Saslaw*) authorize collective bargaining by employees at the option of the local government. A local governing body would have 120 days after receiving certification from a majority of public employees in a bargaining unit, in which to vote on whether to provide for collective bargaining. The bills have a delayed effective date of May 1, 2021.

HB 674 (*Sullivan*) and **SB 240** (*Barker*) create a procedure by which a Commonwealth attorney or law-enforcement officer may apply to a court for an emergency, substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing or transporting a firearm.

HB 696 (*Roem*) 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 (*Reid*) stipulates 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 (*Bulova*) authorizes political subdivisions to regulate the take-off or landing of certain unmanned aircraft on property owned by such entity. The bill requires a locality to report any applicable ordinance or regulation to the Department of Aviation, which shall, by January 1, 2021, develop rules and regulations specific to such take-offs and landings. The bill has a delayed effective date of January 1, 2021.

HB 757 (*Aird*) prohibits a locality from inquiring about arrests, charges or convictions on employment applications unless the position is a “sensitive” position, which includes law enforcement or school employees.

HB 760 (*Aird*) provides an enforcement mechanism if a locality that is late in completing its required audit or fails to give proper notification of the audit being delayed; such enforcement may include a writ of mandamus and a civil penalty from \$500 to \$2,000.

HB 1011 (*Herring*) requires clerks of local governing bodies and school boards to redact email addresses from member financial disclosure forms prior to releasing them to the public; current law requires redaction of any residential address, personal telephone number or signature.

HB 1101 (*Carr*) and **SB 834** (*McClellan*) allow localities to adopt affordable dwelling unit ordinances that provide more flexibility in areas such as density, waivers of parking requirements and fees.

HB 1105 (*Hudson*) adds the City of Charlottesville to the list of localities authorized to provide for an affordable housing dwelling unit program.

HB 1107 (*Hudson*) and **SB 284** (*Deeds*) revise the City of Charlottesville charter.

HB 1213 (*Heretick*) permits localities to appoint and train their employees to enforce local ordinances by issuing summonses for certain misdemeanor violations of ordinances that are within the scope of the employee's employment, but not including traffic and other major offenses.

HB 1267 (*Hodges*) 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 these functions.

HB 1385 (*Leftwich*) and **SB 349** (*Lucas*) allow localities to extend certain insurance benefits to retired employees of political subdivisions, including retired employees of boards, commissions, agencies or authorities.

HB 1537 (*McQuinn*) and **SB 183** (*Locke*) authorize localities to remove, relocate, contextualize or cover any monument or memorial for war veterans on the locality's public property, provided that a notice of such intent is published in a newspaper having general circulation in the locality and that a public hearing on the matter is held no less than 30 days after such publication. A locality also must offer the monument or memorial for relocation and placement to any museum, historical society, government or military battlefield for a period of 30 days.

HB 1655 (*Orrock*) allows localities to offer for sale, tax delinquent property located within an undeveloped common area in a subdivision where the homeowners' association has been previously dissolved, to adjacent property owners prior to any public auction of the tax delinquent property.

HB 1688 (*McQuinn*) exempts land used for the interment of human remains and owned by an individual, family, property owners' association or church from local ordinances requiring property owners to cut grass and weeds on such property.

SB 360 (*Cosgrove*) authorizes a locality that has adopted an ordinance for payment of part of the cost of providing reasonable and necessary water, sewerage and drainage facilities to also allow that when such facilities are not available, they may be located on or outside the property limits.

SB 941 (*Locke*) authorizes a local governing body, board, commission or authority, by resolution adopted at a regular meeting, to continue such meeting to another specific day in the event of inclement weather or another hazardous condition.

SB 977 (*Sutterlein*) requires local governing bodies to provide members of the public with the opportunity for public comment during a regular meeting at least quarterly.

Public Safety

HB 246 (*Levine*) requires localities, prior to purchasing or deploying a body-worn camera system, to adopt and establish a written policy for the operation of such system that follows identified best practices, is consistent with Virginia law and regulations, and uses a model policy established by the Department of Criminal Justice Services as guidance.

HB 438 (*Heretick*) and **SB 561** (*Vogel*) provide that a post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act.

HB 727 (*Hope*) and **SB 720** (*McClellan*) require public safety answering points (PSAPs) to provide, by January 1, 2022, training and equipment for its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction. The bills also require PSAP dispatchers to complete an Emergency Medical Dispatch education program by July 1, 2024.

HB 783 (*Askew*) and **SB 9** (*Saslaw*) add brain, colon and testicular cancers to the list of cancers presumed to be occupational diseases for firefighters and law enforcement officers who have five years of continuous services.

HB 908 (*Hayes*) and **SB 836** (*Sutterlein*) authorize an employee or other person acting on behalf of a public place, who has completed a training program on the administration of naloxone or other opioid antagonist, to possess and administer naloxone or other opioid antagonist (except in an injectable formulation) to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

HB 1147 (*Keam*) allows public places to make epinephrine available for administration and allows employees of such places, who are authorized and trained in the administration of epinephrine, to possess and administer it to a person in such public place believed to be having an anaphylactic reaction.

HB 1250 (*Torian*) creates definitions for bias-based profiling and prohibits such profiling by local or state law enforcement.

SB 622 (*Deeds*) renames the Board of Corrections as the State Board of Local and Regional Jails (the Board) and clarifies the division between the Board and the Department of Corrections.

HB 661 (*Bell*) provides for the establishment of a workgroup to develop a plan to improve the state's response to exposure-prone incidents involving law-enforcement agencies, firefighters and emergency medical services agencies. A report is due by December 1.

SB 1008 (*Peake*) 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.

SB 1088 (*Stuart*) provides that upon dissolution of an emergency medical services agency, any property that was in the possession of such agency and that was purchased using public funds, shall be offered to a city or county that was served by the agency, to be used for the public good.

Transportation

HB 543 (*Carr*) and **SB 871** (*Marsden*) amend 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. Such bicycles and operators are to have the same rights and privileges as bicycles and operators. The bills also limit local and state regulation of the operation of such bicycles to certain bicycle paths, shared-use paths and trails.

HB 874 (*Bourne*) and **SB 160** (*Surovell*) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. The bill takes effect January 1, 2021.

HB 1414 (*Filler-Corn*) and **SB 890** (*Saslaw*) are bills that make numerous structural changes to the transportation funding system in Virginia. Under the system, most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Dollars are then distributed, based on new streamlined funding models, to sub-funds established to meet needs in various transportation modes. The bills increase the gas tax by five cents a year for two years, while reducing most passenger vehicle registration fees by \$10. However, local governments will still be able to levy the fee at the rate of the state levy as of January 1, 2020. The bills also impose a regional fuels tax in all areas of the state where it is not currently imposed, to be used for a district grant program in Smart Scale. They also impose a fee on fuel efficient, alternative fuel and electric vehicles, while repealing the \$64 vehicle license tax for electric vehicles. Finally, the bills provide for investments in the Commonwealth Mass Transit Fund, establish the Commonwealth Rail Fund and create a Virginia Passenger Rail Authority

HB 1442 (*Jones*) authorizes local law-enforcement agencies to operate photo speed monitoring devices in or around school crossing zones and highway work zones to record images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted speed limit.

HB 1511 (*McQuinn*) raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends or on a holiday.

HB 1518 (*McQuinn*) 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 project completion.

HB 1705 (*Kory*) clarifies obligations of vehicle drivers to stop when yielding to pedestrians at clearly marked crosswalks, pedestrian crossings or at intersections where the maximum speed limit is not more than 35 miles per hour.

SB 735 (*Newman*) establishes insurance, taxation, recordkeeping, disclosure and safety recall requirements for peer-to-peer vehicle sharing platforms. The taxation provisions of the measure will take effect on October 1.

Miscellaneous

HB 6 (*Bourne*) adds discrimination on the basis of a person's source of funds to the list of unlawful discriminatory housing practices.

HB 66 (*Carter*) prohibits health insurance companies and other carriers from setting an amount exceeding \$50 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The bill is applicable with respect to health plans and provider contracts in place on or after January 1, 2021.

HB 193 (*Orrock*) allows vehicles used exclusively for agricultural or horticultural purposes and farm motor vehicles to be used for transport between the operator's residence and the agricultural or horticultural activity or farm.

HB 395 (*Ward*) and **SB 7** (*Saslaw*) provide for a gradual increase in the minimum wage, making yearly hikes to \$12 per hour by 2023; afterwards, re-enactment by the legislature would then be required to have continued increases. A study by three state entities of the feasibility and potential impact of instituting a regional minimum wage is directed for 2022. The first increase would take effect May 1, 2021.

HB 572 (*Keam*), **HB 1184** (*Lopez*) and **SB 710** (*McClellan*) provide additional framework for the establishment of distributed renewable solar and other renewable energy, to include net metering.

HB 586 (*Guzman*) directs the Commissioner of Health to convene a work group to study the occurrence of certain chemicals the state's public drinking water supplies. In addition, **HB 799** (*Askew*) and **SB 393** (*McPike*) requires licensed child day programs and certain other programs that serve preschool-age children, including instructional programs offered by public schools, to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. Remediation is required if test results warrant such action.

HB 670 (*M. Cole*) and **SB 333** (*Stuart*) direct the Department of Housing and Community Development (DHCD) to convene stakeholders to examine building and fire prevention codes as they relate to the safety and security of public buildings for active shooter or hostile threats.

HB 810 (*Bourne*) directs DHCD and the Virginia Housing Development Authority (VHDA) to convene a stakeholder advisory group to recommend legislation establishing a Virginia housing opportunity tax credit program, for the purpose of providing incentives for utilizing private equity in the development and construction of affordable housing.

HB 835 (*Sullivan*) and **SB 831** (*Lewis*) direct the State Corporation Commission to establish rules governing fair market valuations of water utility or sewer utility asset acquisitions in order to determine the initial rate base for the purpose of post-acquisition rate recovery.

HB 854 (*Murphy*) requests DHCD and VHDA to convene a stakeholder advisory group to examine ways to incentivize the development of affordable housing.

HB 949 (*Webert*) and **SB 689** (*Vogel*) change the limit on local special events licenses from 12 to 16 special events per year, and provide that any special event not last more than three days.

HB 1002 (*Guzman*) establishes the Agriculture and Forestry Industries Development Planning Grant Program for the purpose of providing grants to encourage efforts by political subdivisions to support agriculture and forestry. The bill took effect April 22, 2020.

HB 1017 (*Sickles*) and **SB 576** (*Howell*) create the Commonwealth of Virginia Innovation Partnership Authority to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth.

HB 1196 (*Lopez*) and **SB 1** (*Stanley*) repeal the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended.

HB 1509 (*McQuinn*) and **SB 1073** (*McClellan*) create the Virginia Food Access Investment Program and Fund to provide funding for the construction or expansion of grocery stores, small food retailers and innovative food retail projects in underserved communities.

Broadband:

HB 831 (*Carroll Foy*) and **SB 794** (*Lewis*) declare that it is the policy of the Commonwealth that easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services, and that such use is in the public interest.

HB 1280 (*O'Quinn*) authorizes an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity.

Elections:

HB 1 (*Herring*), **HB 207** (*VanValkenburg*) and **SB 111** (*Howell*) expand absentee voting to include all voters, regardless of excuse, and extend the early voting period before elections to 45 days for both absentee and in-person voting.

HB 198 (*Price*) provides that if, after a recount of an election, the recount court finds that each party has received an equal number of votes, there shall be a special election to determine which candidate is elected to the office.

HB 201 (*Ayala*) stipulates that anyone qualified to vote can register to vote up to and including election day at the office of the general registrar. The bill takes effective October 1, 2022.

HB 220 (*Krizek*) requires the envelope provided to an absentee voter for the return of an absentee ballot to include prepaid postage; the provisions of the bill do not become effective unless reenacted by the 2021 General Assembly.

HB 1103 (*Hudson*) provides that elections for local governing bodies may be conducted by ranked choice voting. The bill takes effect July 1, 2021.

HB 1285 (*Wilt*) and **SB 737** (*Obenshain*) provide 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, the office is vacated and such vacancy is to be filled as provided by law.

HB 1678 (*Lindsey*) extends from 7 p.m. to 8 p.m. the time at which polls close on election day. The bill must be approved again at the 2021 session in order to become effective.

SB 57 (*Sutterlein*) requires candidates for local and constitutional offices to file campaign finance reports by electronic means; current law applies only for candidates in localities with a population exceeding 70,000. The bill takes effect January 1, 2021.

SB 316 (*Kiggans*) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday. The bill will not become effective unless reenacted by the 2021 General Assembly.

SB 617 (*Deeds*) authorizes the establishment of voter satellite offices by local governing bodies for purposes of absentee voting in person.

SB 740 (*Obenshain*) 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, and sets out a process for local governing bodies to establish the precinct boundaries to be consistent with lines set by the General Assembly.

Freedom of Information (FOIA)/Conflict of Interest Act (COIA):

HB 722 (*Reid*) and **SB 269** (*Bell*) exempt 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 certain competitive applications.

HB 1527 (*Webert*) and **SB 701** (*Obenshain*) require the executive director and members of each industrial development and economic development authority to take training on the provisions of the State and Local Government COIA and FOIA at least once every two years. Meanwhile, **HB 1528** (*Webert*) and **SB 703** (*Obenshain*) require such persons to file a Statement of Economic Interests with the clerk of the local governing body as a condition to assuming office, and thereafter annually on or before February 1.

SB 138 (*Stuart*) adds regional public bodies to the types of public bodies that must designate a FOIA officer and changes the frequency for required FOIA officer training from annually to once during each consecutive period of two calendar years.

SB 139 (*Stuart*) 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 FOIA Council or a local government attorney.

SB 153 (*Stuart*) makes several changes to FOIA concerning cost estimates for filing requests and the time between the notice of the estimate and response from the requestor. The bill also clarifies that if a cost estimate exceeds \$200 and the public body requires an advance deposit, it may require the requester to pay the deposit before processing the request.

Procurement:

HB 358 (*Lopez*) and **SB 182** (*Saslaw*) authorize public bodies, 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. The bills take effect May 1, 2021.

HB 452 (*Murphy*) and **SB 650** (*Boysko*) increase 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.

HB 558 (*Lindsey*) allows localities to enact an ordinance to enhance micro-business (small, women-owned, or minority-owned business with no more than 25 employees) participation in local government procurement practices.

HB 833 (*Carroll Foy*) and **SB 8** (*Saslaw*) require contractors and subcontractors under any public contract with a locality that has adopted an ordinance requiring the payment of prevailing wages for public works, to pay wages, salaries and benefits to those hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bills do not apply to contracts of \$250,000 or less.

HB 890 (*Sickles*) and **SB 341** (*Locke*) remove the provision limiting the use of construction management contracts by local public bodies to projects with a cost expected to exceed \$10 million; instead, construction management may be utilized where the project cost is expected to be less than the project threshold established by the Secretary of Administration.

HB 1078 (*Hope*) provides that, except for certain contracts, a public body may include a proposer's employment of persons with disabilities to perform specifications of the contract as a factor in evaluating a proposal.

HB 1201 (*Tran*) and **SB 380** (*McPike*) allow a locality to include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by VDOT is a responsible bidder.

HB 1300 (*Hurst*) and **SB 607** (*Norment*) provide that an action against the surety on a performance bond shall be brought within five years after completion of the contract; they also provide that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract.

SB 368 (*Bell*) decreases the population threshold (from 78,000 to 50,000) for a locality to qualify for exceptions from (i) the \$150,000 single-project fee limit for architectural and professional engineering term contracts, and (ii) the \$750,000 annual aggregate total limit for all such projects.

SB 487 (*Bell*) increases the aggregate limit, from \$6 million to \$8 million, for architectural and engineering services contracts for localities for projects performed in a one-year contract term.

Constitutional Amendments:

HJ 103 (*Helmer*) is a proposed Constitutional amendment that provides that one motor vehicle of a veteran who has a 100% service-connected, permanent, and total disability shall be exempt from state and local taxes. **HB 1268** (*Helmer*) provides for a referendum at the November 3, 2020, election to approve or reject the proposed amendment.

SJ 18 (*Barker*) is a proposed Constitutional amendment that provides for a Virginia Redistricting Commission that would establish districts for Virginia's representatives to the House of Representatives and for the Virginia Senate and House of Delegates. **SB 236** (*Barker*) provides for a referendum at the November 3, 2020, election to approve or reject the proposed amendment.