Executive Summary
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This weekly report provides members with an update on key Virginia legislation that the VMA is managing during the 2020 General Assembly Session. VMA Priority Bills have been introduced on behalf of the VMA or a coalition to which it belongs and/or conforms to the VMA public policy priorities. VMA Defensive Priority bills require amendment or opposition to ensure Virginia's manufacturing competitiveness. All other bills are monitored.

VMA will attempt to predict outcomes with a vote scoring tool. However, this may not be a precise tool until voting patterns are established by the new committees and legislators.

Bills on this report are grouped by topic and listed in the following order:

• Economic Development
• K-16 Career & Technical Education/Workforce Training
• Employment & Safety
• Energy Regulation
• Environmental
• General Government
• Health Insurance
• Labor/Management
• Procurement
• Product Liability
• Tax
• Transportation
• Virginia Chemistry Council
• Workers Compensation

Bills by Issue

Budget (1)
Title
Budget Bill.

Description
Budget Bill. Provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June, 2021, and the thirtieth day of June, 2022.

Primary Sponsors
Luke Torian

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Economic Development (18)

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

Description
Department of Small Business and Supplier Diversity; definitions; small business. Redefines "small business" for the purposes of programs for the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to mean a business that together with its affiliates has both 250 or fewer employees and average annual gross receipts, less the cost of goods sold by the business, of $10 million or less averaged over the previous three years. Currently for these programs, a business qualifies as a small business if, together with its affiliates, it has either 250 or fewer employees or average annual gross receipts of $10 million or less averaged over the previous three years.

Primary Sponsors
Glenn Davis
### Economic development programs; reporting requirements.

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

**Primary Sponsors**
Rodney Willett

### Green development zones; investments in green technologies.

**Description**
Green development zones; investments in green technologies. Provides that a locality may grant tax incentives to businesses located in a green development zone that invest in green technologies. Under current law, such incentives may be granted only to green development businesses located in a green development zone or businesses operating in an energy-efficient building located in a green development zone.

**Primary Sponsors**
Michael Webert
Title
A.L. Philpott Mfg Ext Partnership; staff shall be treated as state employees.

Description
A.L. Philpott Manufacturing Extension Partnership. Declares the A.L. Philpott Manufacturing Extension Partnership a political subdivision of the Commonwealth and requires its staff to be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees.

Primary Sponsors
Les Adams

Title
Small Business and Supplier Diversity, Department of; redefines small business.

Description
Department of Small Business and Supplier Diversity; definitions; small business. Redefines "small business" for the purposes of programs for the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) to mean a business that together with its affiliates has both 250 or fewer employees and average annual gross receipts of $10 million or less averaged over the previous three years. Currently for these programs, a business qualifies as a small business if, together with its affiliates, it has either 250 or fewer employees or average annual gross receipts of $10 million or less averaged over the previous three years.

Primary Sponsors
Alfonso Lopez
Title
Income tax, state; credit for existing business growth.

Description
Income tax credit; existing business growth. Provides a nonrefundable income tax credit equal to five percent of total corporate income taxes owed by certain small businesses in existence for at least two years that reach new full-time employee hiring thresholds during two-year qualifying periods. The credit is available for taxable years 2020 through 2039 and is awarded for the taxable year during which each qualifying period ends. Existing businesses qualify for the tax credit on the basis of their size during the qualifying period. The credit may be claimed only once in each qualifying period. Businesses claiming the credit may carry over unused credit for the next five taxable years or until the total amount of the credit has been taken, whichever occurs first.

Primary Sponsors
William Wampler

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Title
One-stop small business; permitting program, written guidance.

Description
Department of Small Business and Supplier Diversity; one-stop small business permitting program; guidance regarding responsibilities for maintaining a business. Requires the Department of Small Business and Supplier Diversity to develop and provide guidance to businesses with newly approved permits regarding responsibilities and requirements for maintaining the business. The bill has a delayed effective date of July 1, 2021.

Primary Sponsors
Kathy Tran
### Title

**Truck Manufacturing Grant Fund; created.**

**Description**

Truck Manufacturing Grant Fund; creation. Creates the Truck Manufacturing Grant Fund to make grant payments to an eligible truck manufacturer that makes a capital investment of at least $397 million at a facility in Pulaski County and creates at least 777 new full-time jobs at the facility. The eligible truck manufacturer would be eligible for an aggregate of $16.5 million in grants paid out over a 10-year period if it meets such performance parameters.

**Primary Sponsors**

Nick Rush

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### Title

**Pharmaceutical Manufacturing Grant Program and Fund; created.**

**Description**

Pharmaceutical Manufacturing Grant Program; creation. Creates the Pharmaceutical Manufacturing Grant Program to make grant payments to an eligible pharmaceutical manufacturer that makes a capital investment of at least $1 billion at a facility in Rockingham County and creates at least 152 new full-time jobs at the facility. The pharmaceutical manufacturer would be eligible for an aggregate of $7.5 million in grants paid out over a three-year period if it meets such performance parameters. The bill also makes available, subject to appropriation, $2.525 million to a comprehensive community college and baccalaureate public institutions of higher education in or near Rockingham County to support the workforce development needs of the manufacturer and other research and development companies in the area. This bill is identical to SB 610.

**Primary Sponsors**

Mark Sickles
Title
Conflict of Interests Act, State & Local Gov’t, and FOIA; training requirements for ex. directors.

Description
State and Local Government Conflict of Interests Act and Virginia Freedom of Information Act; training requirements; executive directors and members of industrial development authorities and economic development authorities. Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, to take training on the provisions of the State and Local Government Conflict of Interests Act and the Freedom of Information Act at least once every two years. The bill requires such officials in office on July 1, 2020, to complete such training no later than December 31, 2020. Training on the Virginia Freedom of Information Act may be provided online by the Virginia Freedom of Information Advisory Council or the local government attorney. Training on the State and Local Government Conflict of Interests Act shall be provided by the Virginia Conflict of Interest and Ethics Advisory Council and may be provided online. The clerk of the respective governing body is responsible for maintaining training records. This bill is identical to SB 701.

Primary Sponsors
Michael Webert

Title
Advanced Production Grant Program and Fund; created.

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

Primary Sponsors
Nick Rush
Title
Commonwealth of Virginia Innovation Partnership Authority; created.

Description
Research and development in the Commonwealth. Creates the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, resulting in the creation of new jobs and company formation, as well as related investment and seed-stage funding, in the Commonwealth. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments.

Primary Sponsors
Janet Howell

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

Description
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.

Primary Sponsors
Emmett Hanger
Title
Gasification facilities and pyrolysis facilities; economic development incentives.

Description
Economic development incentives for gasification facilities and pyrolysis facilities. The bill provides that gasification facilities and pyrolysis facilities, defined in the bill, shall be eligible for grants from the Commonwealth's Development Opportunity Fund under the minimum investment and job creation criteria for grants from the Fund, which under current law are a $1.5 million investment and 15 new jobs.

Primary Sponsors
Emmett Hanger

Title
Pharmaceutical Manufacturing Grant Program and Fund; created.

Description
Pharmaceutical Manufacturing Grant Program; creation. Creates the Pharmaceutical Manufacturing Grant Program to make grant payments to an eligible pharmaceutical manufacturer that makes a capital investment of at least $1 billion at a facility in Rockingham County and creates at least 152 new full-time jobs at the facility. The pharmaceutical manufacturer would be eligible for an aggregate of $7.5 million in grants paid out over a three-year period if it meets such performance parameters. The bill also makes available, subject to appropriation, $2.525 million to a comprehensive community college and baccalaureate public institutions of higher education in or near Rockingham County to support the workforce development needs of the manufacturer and other research and development companies in the area. This bill is identical to HB 1498.

Primary Sponsors
Emmett Hanger
Title
Truck Manufacturing Grant Fund; created.

Description
Truck Manufacturing Grant Fund; creation. Creates the Truck Manufacturing Grant Fund to make grant payments to an eligible truck manufacturer that makes a capital investment of at least $397 million at a facility in Pulaski County and creates at least 777 new full-time jobs at the facility. The eligible truck manufacturer would be eligible for an aggregate of $16.5 million in grants paid out over a 10-year period if it meets such performance parameters.

Primary Sponsors
Emmett Hanger

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

Description
State and Local Government Conflict of Interests Act and Virginia Freedom of Information Act; training requirements; executive directors and members of industrial development authorities and economic development authorities. Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, to take training on the provisions of the State and Local Government Conflict of Interests Act and the Freedom of Information Act at least once every two years. The bill requires such officials in office on July 1, 2020, to complete such training no later than December 31, 2020. Training on the Virginia Freedom of Information Act may be provided online by the Virginia Freedom of Information Advisory Council or the local government attorney. Training on the State and Local Government Conflict of Interests Act shall be provided by the Virginia Conflict of Interest and Ethics Advisory Council and may be provided online. The clerk of the respective governing body is responsible for maintaining training records. This bill is identical to HB 1527.

Primary Sponsors
Mark Obenshain
Title
Advanced Production Grant Program and Fund; created.

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

Primary Sponsors
Frank Ruff

Labels:
- Machinery & Tools
- VCC Priority Bill
- VMA Priority Bills

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Title
Virginia Housing Development Authority; power to make loans, etc.

Description
Virginia Housing Development Authority; power to make loans; loans to finance payments on student debt. Permits the Virginia Housing Development Authority (HDA) to make mortgage loans, including federally insured mortgage loans, to finance the purchase or refinancing of single-family residential housing and to make payments on the homeowner’s student loan debt, upon the terms and conditions set forth in the bill. The bill also gives the HDA authority to promulgate additional terms and conditions related to such loans. The bill includes technical changes.

Primary Sponsors
Kaye Kory

Labels:
- VMA Defensive Priority Bill

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Title
K-16 Career & Technical Education/Workforce Training (41)

Description

Labels:
- VMA Defensive Priority Bill

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Title: High school graduation; standard diploma requirements, etc.

Description: Public schools; standard diploma requirements; dual-enrollment and work-based learning options. Requires the Board of Education to include in its standard diploma graduation requirements the options for students to complete a dual-enrollment course or high-quality work-based learning experience.

Primary Sponsors: Joe McNamara

Title: Higher educational institution; students & student organizations, remedies for certain violations.

Description: Higher education; students and student organizations; remedies for certain violations. Permits any student or student organization aggrieved by a violation of certain provisions of law relating to campus free speech by a public institution of higher education or any employee of such institution acting in his official capacity to (i) bring a cause of action against such institution or employee for appropriate relief, including injunctive relief, monetary damages, reasonable attorney fees, and court costs; (ii) assert such violation as a defense or counterclaim in any disciplinary action or civil or administrative proceeding brought against such student or student organization; and (iii) pursue any other remedy available to such student or student organization.

Primary Sponsors: Nick Freitas
Title
Higher educational institutions, public; per student enrollment-based funding, noncredit workforce.

Description
Public institutions of higher education; per student enrollment-based funding; noncredit workforce training programs. Requires the per student enrollment-based funding provided to public institutions of higher education to include funding for each Virginia student enrolled in a noncredit workforce training program. Under current law, per student enrollment-based funding follows each Virginia undergraduate student.

Primary Sponsors
Nick Freitas

Title
Sixth grade science curriculum; DOE & DEQ to update.

Description
Department of Education and Department of Environmental Quality; sixth grade science curriculum. Directs the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

Primary Sponsors
Schuyler Van Valkenburg
Title
Higher educational institutions; intercollegiate athletics, student-athletes, compensation.

Description
Institutions of higher education; intercollegiate athletics; student-athletes; compensation and representation. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The foregoing provisions of the bill have a delayed effective date of July 1, 2024. The bill also requires the Chancellor of the Virginia Community College System to convene a work group consisting of such members as the Chancellor deems appropriate to consider and make recommendations to the Governor and the General Assembly no later July 1, 2022, relating to the compensation and representation of student-athletes enrolled at comprehensive community colleges in the Commonwealth.

Primary Sponsors
Marcus Simon
Virginia Diverse Educator Scholarship Fund and Program; established.

Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (Hampton University, Norfolk State University, Virginia State University, and Virginia Union University) such sums as are necessary for each such institution to annually provide scholarships on a competitive basis to no more than two students who (i) identify as African American, Asian, Hispanic or Latino, Native American or Native Alaskan, or Native Hawaiian or Pacific Islander; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) $5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) $10,000 toward mentorship of the recipient by an experienced teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least half of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by an experienced teacher, as described in clause (d), during such period of employment.

Primary Sponsors
Joshua Cole
Title
TANF Scholarship Pilot Program; VCCS to establish & administer.

Description
Virginia Community College System; Temporary Assistance for Needy Families Scholarship Pilot Program. Directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program, beginning in 2020, for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of $4,000 per year to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year of the Program regarding the effectiveness of and other information about the Program.

Primary Sponsors
Kat Murphy

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Labels: College Affordability, VMA
Higher Education Advisory Committee; higher education funding, report.

Requires the Higher Education Advisory Committee (Advisory Committee) to (i) develop a methodology by which to rate the performance of each public institution of higher education and (ii) review and make recommendations for changes to existing funding methodology and targeted financial incentives. The bill requires the Advisory Committee to consult with national and state policy experts and institutional innovators in other states and consider trends in the implementation of various performance-based funding models, accounting for institutional differences. The Advisory Committee's recommendations shall be designed to achieve increased degree and credential attainment within high-demand fields, reduction of average time-to-degree, improved affordability for Virginia students and families, reduction of debt of former students and graduates, and improved graduate employment outcomes. The bill requires that such recommendations be designed to result in a funding methodology and targeted financial incentives that allocate at least 80 percent of state appropriations for public higher education according to a set of certain performance metrics. Such recommendations are required to be submitted to the General Assembly and the Governor no later than the first day of the regular session of the General Assembly in 2021.

Primary Sponsors
Glenn Davis
Title
FOIA; public higher educational institutions, information related to pledges and donations.

Description
Virginia Freedom of Information Act; public institutions of higher education; information related to pledges and donations. Provides that no discretionary exclusion in FOIA shall apply to protect information relating to the amount, date, purpose, and terms of a pledge or donation made to a public institution of higher education. The bill provides that the identity of the donor shall be protected only if (i) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (ii) the pledge or donation does not impose terms or conditions directing academic decision-making. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council. This bill is identical to SB 140.

Primary Sponsors
David Bulova

Title
Higher educational institutions, public; governing boards, educational programs.

Description
Public institutions of higher education; governing boards; educational programs. Requires all members of governing boards of public institutions of higher education to participate in educational programs designed to address the role, duties, and responsibilities of the governing boards at least once within the first two years of membership and at least once within every two years of membership thereafter. Under current law, new members are required to participate in such programs at least once during their first two years of membership. The bill directs the State Council of Higher Education for Virginia to develop educational materials for board members with more than two years of service on a governing board and develop criteria by which such members shall demonstrate compliance.

Primary Sponsors
Jason Miyares
### Title
Students in grades 6, 7, and 8; computer science/introduction to technology course required.

### Description
Students in grades six, seven, and eight; computer science or introduction to technology course required. Requires each student in grades six, seven, and eight, starting in the 2025–2026 school year, to complete at least one semester-long or year-long computer science elective course or introduction to technology course that is aligned with the appropriate Standards of Learning and may include the following content: examining systems and resources of technology, solving problems in technology, introducing microcontrollers, exploring the designed world, computing systems, networks and the Internet, cybersecurity, data and analysis, algorithms and programming, and the impacts of computing. The bill provides that no such student shall be required to complete an end-of-course assessment for any such course. The bill requires the Board of Education to amend or create Standards of Learning as necessary to implement the foregoing provisions and requires the Department of Education to confer with certain organizations to ensure that the proper training is available to the teachers of such courses.

### Primary Sponsors
Shelly Simonds

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### Title
Higher educational institutions, public; increases in undergraduate tuition.

### Description
Governing boards of public institutions of higher education; increases in undergraduate tuition or mandatory fees; notice. Prohibits the governing board of any public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public notice of the date, time, and location of the meeting at which public comment on such planned increase is permitted at least 10 days prior to such meeting.

### Primary Sponsors
David Reid
Title
Higher educational institutions; qualified education loans, providers of private education loans.

Description
Private student loan providers; certain disclosures. Requires any provider of private student loans to disclose to any student attending an institution of higher education in the Commonwealth, prior to issuing a qualified education loan to such student, the contact information for the Office of the Qualified Education Loan Ombudsman and a summary of the student loan information applicable to private student loans that may be found on the Council's website. The bill provides that any such disclosure may be made in conjunction with or incorporated into another disclosure to such student prior to issuing the qualified education loan. The bill requires the summary to be developed by the Office of the Qualified Education Loan Ombudsman in consultation with relevant stakeholders. The bill has a delayed effective date of July 1, 2021.

Primary Sponsors
David Bulova

Title
Mandatory student activity fees; campus referendum.

Description
Mandatory student activity fees; referendum. Provides that the governing boards of public institutions of higher education shall not increase mandatory student activity fees by greater than two percent relative to the previous academic year unless the increase is approved by a majority of students in a campus referendum.

Primary Sponsors
Karrie Delaney
Title
Income tax, state; credit for employer contributions to Virginia College Savings Plan accounts.

Description
Income tax credit; employer contributions to Virginia College Savings Plan accounts. Provides a nonrefundable income tax credit for taxable years beginning on or after January 1, 2020, but before January 1, 2025, for 35 percent of expenses incurred by a business during the taxable year for contributions into a Virginia College Savings Plan account owned by an employee of the business. If the employee receiving the contribution is a qualified employee, as defined in the bill, the credit shall not exceed $500 annually for each such employee. If the recipient receiving the contribution is a qualified employee who is not highly compensated, as defined in the bill, the credit shall not exceed $1,000 annually for each such employee. The total amount of tax credits available for a calendar year shall not exceed $5 million. Any unused tax credit may be carried over for three years.

Primary Sponsors
Carrie Coyner

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Title
College and Career Readiness Steering Committee; Secretary to establish.

Description
Secretary of Education; establishment of College and Career Readiness Steering Committee. Requires the Secretary of Education to establish a 21-member College and Career Readiness Steering Committee to (i) develop and oversee implementation of a strategic plan for ensuring that all students in the Commonwealth, and particularly subgroups of students who have been historically underserved, graduate from high school (a) meeting the requirements for an advanced studies diploma, (b) having had the opportunity to participate and succeed in pathways that integrate rigorous academic instruction aligned with the Standards of Learning, including career and technical education, work-based learning, wraparound services, and opportunities to earn credit for postsecondary education while enrolled in high school, and (c) having had a high school experience that is aligned with expectations for postsecondary education and employer demand and (ii) provide certain recommendations, guidance, leadership, goals, and assistance relating to the implementation of such strategic plan.

Primary Sponsors
Hala Ayala
Title
Commonwealth of Virginia Innovation Partnership Authority; created.

Description
Research and development in the Commonwealth. Creates the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments.

Primary Sponsors
Mark Sickles

Title
Higher educational institutions, public; six-year plans, pricing structure and tuition discounting.

Description
Public institutions of higher education; six-year plans; pricing structure and tuition discounting strategies. Requires the governing board of each public institution of higher education to include in each six-year plan for the institution a detailed explanation of the institution's pricing structure and tuition discounting strategies, including pricing by student income level and the use of tuition revenue for financial aid.

Primary Sponsors
Jason Miyares
Title
Higher educational institutions, baccalaureate public; websites, certain information.

Description
Baccalaureate public institutions of higher education; websites; certain information; degree completion. Requires each baccalaureate public institution of higher education to include, on the informational tab or link on the home page of its website that the institution is required to maintain and annually update, the number of degrees completed during the most recent academic year by degree program and by primary location and manner of completion, including completion on the main campus, at a center or other institution established pursuant to Chapter 31 (Educational Authorities, Centers, Committees, Funds, Institutes, and Partnerships) of Title 23.1, and online.

Primary Sponsors
Charlie Poindexter

Title
Higher educational institutions, public; certain students, eligibility for in-state tuition.

Description
Public institutions of higher education; certain students; eligibility for in-state tuition. Declares eligible for in-state tuition, regardless of domicile, any non-Virginia student enrolled at a public institution of higher education, except the Virginia Military Institute, who (i) pays for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to the federal Veterans’ Access to Care through Choice, Accountability, and Transparency Act of 2014 and thereafter exhausts eligibility for benefits under such act or (ii) demonstrates a commitment to pay for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to such act through an affidavit, provided that (a) any such student maintains continuous enrollment in the same degree program at the same institution after he exhausts eligibility for such benefits and (b) no such student shall remain eligible for in-state tuition charges for more than three years after he exhausts eligibility for such benefits or upon degree completion, whichever occurs first, unless he establishes domicile in the Commonwealth.

Primary Sponsors
Kathy Tran
Title
Workforce Development, Virginia Board of; membership, updates as a response to federal law.

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

Primary Sponsors
Kathy Tran

Title
Higher educational institutions, public; foundations, annual reporting requirements, VCCS exempt.

Description
Public institutions of higher education; foundations; annual reporting requirements. Requires each public institution of higher education to release an annual report regarding foundations associated with the institution setting forth foundation expenses. The annual report shall include the total annual expenditures by each foundation; the percentage of expenditures used for scholarships or financial aid by each foundation; the percentage of expenditures used for faculty compensation by each foundation; the percentage of expenditures used for program costs by each foundation; the percentage of expenditures used for equipment and technology by each foundation; and the percentage of expenditures used for administrative support by each foundation.

Primary Sponsors
Jason Miyares
Title

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

Primary Sponsors
Luke Torian

Title
School boards; career and technical education, academic and career plans, contents.

Description
School boards; career and technical education; academic and career plans; contents. Requires each school board to include, as part of each student's academic and career plan in the career and technical education curricula, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The bill requires the Department of Education to annually compile such lists and provide them to each local school board.

Primary Sponsors
Israel O'Quinn
Title
Standards of Quality; work-based learning, teacher leaders and mentors, principal mentors.

Description
Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, and other licensed health and behavioral positions, per 1,000 students.

Primary Sponsors
Lashrecse Aird
Title
Career and Technical Education Work-Based Learning Guide; Board of Education to review and revise.

Description
Board of Education; Career and Technical Education Work-Based Learning Guide. Requires the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2020, its Career and Technical Education Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality work-based learning experiences or in the case of agricultural education, supervised agricultural experiences, in addition to job shadowing, mentorships, internships, and externships.

Primary Sponsors
Roz Tyler

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Title
High school graduation; standard diploma requirements, etc.

Description
Public schools; diploma requirements; dual enrollment and work-based learning options. Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. This bill is identical to HB 516.

Primary Sponsors
Dave Suetterlein
Title
Virtual Virginia; availability to all public schools.

Description
Virtual Virginia. Requires that the Virtual Virginia Program, the statewide electronic classroom established by the Department of Education, be made available to all public schools. Currently, the program is available only to high schools. The bill requires the Department to utilize a learning management system for the purposes of implementing Virtual Virginia. The bill also authorizes the Department to charge a per-student, per-course fee to school divisions for each student enrolled in a full-time Virtual Virginia program beyond an initial allotment of 15 such students per course, per school. The bill prohibits the Department from limiting the total number of such students by school division. The bill requires the Department to annually report on the Virtual Virginia Program to the General Assembly.

Primary Sponsors
Siobhan Dunnavant

Title
Higher educational institutions, public; tuition and mandatory fee increase, student approval.

Description
Public institutions of higher education; tuition and mandatory fee increase; student approval. Provides that no increase in undergraduate tuition or mandatory fees approved by a governing board of a public institution of higher education shall take effect unless such increase receives an affirmative vote of at least two-thirds of undergraduate students enrolled in such institution.

Primary Sponsors
Richard Stuart
Title
Higher educational institutions, public; notice of meeting, public comment.

Description
Public institutions of higher education; tuition and fees; public comment; notice of meeting. Requires the governing boards of public institutions of higher education to provide students and the public 15 days’ prior notice of the date and location of any meeting at which, under current law, public comment must be permitted prior to any vote by the governing board to approve an increase in undergraduate tuition or mandatory fees.

Primary Sponsors
Amanda Chase

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

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

Primary Sponsors
John Bell
Title
Virginia Works Portal; created, report.

Description
Education and workforce development; Virginia Works Portal created; report. Creates the Virginia Works Portal to provide one-stop access to information regarding education pathways, career opportunities, and workforce development information available from agencies, institutions, and entities around the Commonwealth. The bill provides that the Portal shall provide an interactive, user-friendly environment and must be available to the public by July 1, 2021. The bill creates the Virginia Works Board chaired by the Governor's Chief Workforce Development Advisor to oversee the Portal and the Virginia Works Advisory Committee of public and private sector stakeholders to advise the Board. The Virginia Works Board is directed to report annually to the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education and to the Governor and Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

Primary Sponsors
Siobhan Dunnavant

Title
High school graduation requirements; standard diploma, workforce skills training.

Description
High school graduation requirements; standard diploma; workforce skills training. Requires the Board of Education, in establishing high school graduation requirements, to permit any student who has successfully completed during high school at least two years of workforce skills training as evidenced by written certification from the training provider to graduate with a standard diploma without completing the remaining credit requirements for such diploma.

Primary Sponsors
Frank Ruff
Title

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

Primary Sponsors
Janet Howell
Title
Standards of Quality; work-based learning, teacher leaders and mentors, principal mentors.

Description
Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the Standards of Quality, including requiring the establishment of a unit in the Department of Education to oversee work-based learning statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs and the establishment of a unit in the Department of Education to oversee principal mentorship statewide in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, and other licensed health and behavioral positions, per 1,000 students. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Jenn McClellan
### Title
Sixth grade science curriculum; DOE & DEQ to update.

### Description
Department of Education and Department of Environmental Quality; sixth grade science curriculum. Directs the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

### Primary Sponsors
Lynwood Lewis

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### Title
Higher educational institutions, public; six-year plans, pricing structure and tuition discounting.

### Description
Public institutions of higher education; six-year plans; pricing structure and tuition discounting strategies. Requires the governing board of each public institution of higher education to include in each six-year plan for the institution a detailed explanation of the institution's pricing structure and tuition discounting strategies, including pricing by student income level and the use of tuition revenue for financial aid.

### Primary Sponsors
Bill DeSteph
Title
Higher educational institutions, public; governing boards, educational programs.

Description
Public institutions of higher education; governing boards; educational programs. Requires all members of governing boards of higher institutions of higher education to participate in educational programs designed to address the role, duties, and responsibilities of the governing boards at least once within the first two years of membership and at least once within every two years of membership thereafter. Under current law, new members are required to participate in such programs at least once during their first two years of membership. The bill directs the State Council of Higher Education for Virginia to develop educational materials for board members with more than two years of service on a governing board and develop criteria by which such members shall demonstrate compliance.

Primary Sponsors
Bill DeSteph

Title
Virginia Higher Education Funding Review Commission; established, duties, report.

Description
Virginia Higher Education Funding Review Commission established; duties. Directs the Secretary of Education to convene the Virginia Higher Education Funding Review Commission as an advisory commission to provide advice and make recommendations on higher education costs, funding needs, and appropriations in Virginia, as specified in the bill, with the Secretary of Education serving ex officio without voting privileges. The bill directs the Commission to consult with national and state policy experts and institutional innovators in other states and consider trends in the implementation of various outcomes-based funding models and to account for institutional differences. The Commission shall also seek input from within the Commonwealth, including industry leaders, consumer advocacy groups, and representatives of public doctoral institutions, comprehensive institutions, and comprehensive community colleges. The Commission shall submit a preliminary report and any related recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1, 2020, with a final report by July 1, 2021.

Primary Sponsors
Chap Petersen
Title
Safe days for employees; private employers required to allow days.

Description
Safe days for employees. Requires private employers to allow an employee safe days, with pay, if the employee is a victim of domestic violence, sexual assault, or stalking or is a family member of a victim of domestic violence, sexual assault, or stalking.
Employers are required to provide employees with four safe days per year if the employee has fewer than 120 consecutive months of employment with the employer and five safe days if the employee has 120 or more consecutive months of employment with the employer. "Safe days" are leave from work that is used to allow the employee to obtain for the employee or the employee’s family member, as applicable, (i) medical attention needed to recover from physical or psychological injury or disability caused by domestic violence or sexual assault; (ii) psychological or other counseling; (iii) relocation due to domestic violence, sexual assault, or stalking; or (iv) legal services. Employers are prohibited from discharging or discriminating against an employee because the employee exercises the right to safe days. Employees may bring a private action against an employer that violated these provisions.

Primary Sponsors
Mark Keam
Marijuana; decriminalization of simple marijuana possession, penalty.

Description
Marijuana; decriminalization of simple marijuana possession; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than $50 for a first violation, $100 for a second violation, and $250 for a third or subsequent violation. Current law imposes a maximum fine of $500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions and driver’s license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver’s license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. This bill was incorporated into HB 972.

Primary Sponsors
Kaye Kory

Title
Employment health and safety standards; heat illness prevention.

Description
Employment health and safety standards; heat illness prevention. Requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness. The measure directs the standards to apply to all indoor and outdoor places of employment and require employers to provide water, shade or a climate-controlled environment, rest periods of 15 to 45 minutes per hour, training, and emergency response procedures. The standards are also directed to require employers in certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer. The measure requires employers to pay employees one additional hour of pay at his regular compensation for each workday that it fails to provide the employee with a required rest period. The measure authorizes a person to bring a court action based on a violation in which he may seek to obtain injunctive relief; to recover damages of $500 or actual monetary loss, whichever is greater; or both.

Primary Sponsors
Jeion Ward
Professions and occupations; licensure by endorsement.

Establishes criteria for an individual licensed, certified, or having work experience in another state, the District of Columbia, or any territory or possession of the United States to apply to a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions and be issued an occupational license or government certification if certain conditions are met.

Primary Sponsors
Michael Webert

Employment health and safety standards; heat illness prevention.

Requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness while engaged in outdoor work. The measure directs the standards to require employers to provide water, shade, 10-minute rest periods, training, observation or monitoring, and emergency response procedures and to adopt and maintain a heat illness prevention plan.

Primary Sponsors
Martha Mugler
Marijuana; decriminalization of simple possession, civil penalty.

Marijuana; decriminalization of simple marijuana possession; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than $50, or 5 hours of community service as an alternative punishment. Current law imposes a maximum fine of $500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence and substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations. The bill also provides that simple possession of marijuana may constitute conduct that presents a serious threat to the well-being of a child for the purposes of defining a “child in need of services.” The bill defines marijuana to include hashish oil. The bill raises the threshold amount of marijuana subject to the offense of distribution or possession with intent to distribute from one-half ounce to one ounce. The bill contains technical amendments.

Primary Sponsors
Adam Ebbin

Employment health and safety standards; heat illness prevention, definition.

Employment health and safety standards; heat illness prevention. Requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness. The measure directs the standards to require employers to provide water, shade, rest periods, training, and emergency response procedures. The standards are also directed to require employers in certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer. The measure requires employers to pay employees one additional hour of pay at his regular compensation for each workday that it fails to provide the employee with five-minute rest period every hour or every half hour if the temperature is 90 degrees Fahrenheit or warmer.

Primary Sponsors
Ghazala Hashmi
Electric utilities; electric school bus pilot program.

Electric utilities; electric school bus pilot program. Authorizes Dominion Energy to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program is limited to the deployment of 50 electric school buses at a cost of up to $13.5 million. In each of the five years thereafter, the pilot program may be expanded by up to 200 additional electric school buses at a cost of up to $54 million per year. The pilot program provides that (i) the utility may use vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use and (ii) the primary purpose of electric school buses is student transportation and if the Phase II utility's use of the battery compromises the school boards' ability to transport the students either through bus unavailability or insufficient charge, then the Phase II utility will compensate the school board. The duration of the pilot program shall not exceed 10 years, though the utility may petition the State Corporation Commission to make it permanent.

Program costs, including the incremental cost of the electric school buses, are recoverable through the utility's base rates.

Primary Sponsors
Kaye Kory
Title
Green New Deal Act; fossil fuel projects moratorium, clean energy mandates, civil penalties.

Description
Fossil fuel projects moratorium; clean energy mandates; civil penalties; Green New Deal Act. Establishes a moratorium, effective January 1, 2021, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar year 2036 and every calendar year thereafter, 100 percent of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to clean renewable energy. The measure provides that residents of the Commonwealth and organizations shall have the legal standing to sue to ensure that its provisions and any Climate Action Plan are enforced. The measure requires (a) a 36 percent reduction in electric energy consumption in buildings by 2035; (b) the establishment of job training programs and energy worker protections; (c) transitional assistance for workers in the fossil fuel industry and affected communities; and (d) environmental justice protections. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community, defined in the bill.

Primary Sponsors
Sam Rasoul
Title
Regional Greenhouse Gas Initiative; trading allowance reserve account, etc.

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

Primary Sponsors
Lee Ware

Title
Public service companies; increases max. allowable rates of special reg. taxes that can be imposed.

Description
Increasing the maximum allowable rates of special regulatory taxes that can be imposed by the State Corporation Commission on public service companies. Increases the maximum allowable rates of several taxes, known as special regulatory taxes, that apply to public service companies such as those that provide water, heat, light, or power. The bill increases the maximum allowable rate of the gross receipts tax from 0.2 percent to 0.26 percent, increases the maximum allowable rates of three electricity consumption taxes that are measured per kilowatt hour, and increases the maximum allowable rate of the natural gas consumption tax from $0.0020 per cubic foot to $0.0026 per cubic foot.

Primary Sponsors
Mark Sickles
**Title**
Electric utilities; fuel cost recovery.

**Description**
Electric utilities; fuel cost recovery. Requires an electric utility, as a condition of approval of any request by an electric utility for recovery through its fuel factor of costs incurred under a natural gas capacity contract not previously subject to review in a fuel factor case, to prove by a preponderance of the evidence that the utility has (i) determined that the utility cannot meet its service obligations, giving due regard, in the Commission's sole discretion, to reliability of service and the need to maintain reliable sources of supply, without an additional fuel resource; (ii) reasonably identified and determined the date and amount of the new fuel resource it needs; (iii) objectively studied available alternative fuel resource options, as verified by the Commission, including options other than a new natural gas capacity contract or contracts to meet the identified and determined need; and (iv) determined that the natural gas capacity contract or contracts are the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization.

**Primary Sponsors**
Lee Ware

**Title**
Small renewable energy projects; permit by rule process.

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

**Primary Sponsors**
Ronnie Campbell
Electric utility regulation; retail customer choice.

Electric utility regulation; retail customer choice. Replaces the Virginia Electric Utility Regulation Act with a system under which retail customers will be able to purchase electricity from the retail electric provider of their choice. The measure requires each incumbent investor-owned utility, electric cooperative, and municipal electric authority by January 10, 2021, to file with the State Corporation Commission a plan by which it will separate its customer energy services business activities that are otherwise also already widely available in the competitive market from its regulated utility activities by September 1, 2021, and to separate its business activities into an electric distribution utility, an electric transmission utility, a power generation company, and a retail electric provider, or into a single electric transmission and distribution utility, by January 1, 2022. Such separation may be accomplished by creating separate investor-owned companies, cooperatives, or municipal electric authorities or through the sale of assets to a third party. The measure provides consumer safeguards, including requirements that a retail customer have the right to choose a retail electric provider and to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources. When customer choice commences, a retail electric provider that is serving a retail customer on December 31, 2021, may continue to serve that customer until the customer chooses service from a different retail electric provider. If the Commission determines that a region served by an incumbent electric utility is unable to offer fair competition and reliable service to all retail customer classes on January 1, 2022, the measure requires the Commission to delay customer choice for the region. The Commission may use pilot projects to evaluate the ability of each region served by an incumbent electric utility to implement customer choice. After January 1, 2022, an incumbent electric utility may not sell electricity or otherwise participate in the market for electricity except for the purpose of buying electricity to serve its own needs or while competition for the region served by the utility is delayed. The measure requires the Commission to designate, through a bid process or other method, retail electric providers to serve as providers of last resort, which will be required to offer a customer retail service at a rate approved by the Commission. Metering services will be provided by an area's incumbent electric utility or the electric distribution utility separated from the incumbent electric utility. Each electric distribution utility is required to bill a customer's retail electric provider for ... (click bill link to see more).

Primary Sponsors
Lee Ware
### Title
Offshore Wind, Division of; established, report.

### Description
Division of Offshore Wind; established. Establishes the Division of Offshore Wind in the Department of Mines, Minerals and Energy and gives it the following powers and duties: (i) to identify specific measures that will facilitate the establishment of the Hampton Roads region as a wind industry hub for offshore wind generation projects in state and federal waters off the United States coast; (ii) to coordinate state agencies' activities related to offshore wind; (iii) to develop and implement a stakeholder engagement strategy that identifies key groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement; (iv) to identify regulatory and other barriers to the deployment of offshore wind and attraction of offshore wind supply chain businesses; and (v) to provide staff support for the Virginia Offshore Wind Development Authority and facilitate fulfillment of the Authority's purpose and duties.

### Primary Sponsors
Martha Mugler

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### Title
Subdivision ordinance; energy efficiency and renewable energy provisions.

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

### Primary Sponsors
Karrie Delaney
Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

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.

Primary Sponsors
Karrie Delaney

Public utilities; contracting with small, women-owned, or minority-owned businesses.

Public utilities; use of small, woman-owned, or minority-owned business. Provides that in any proceeding in which the State Corporation Commission is required to determine whether costs incurred by a public utility in its delivery or provision of any goods or service are reasonable or prudent, the incremental portion of the costs incurred as a result of its contracting with a small, women-owned, or minority-owned business to deliver or provide the goods or service will not be found to be unreasonable or imprudently incurred if the costs of contracting with the small, women-owned, or minority-owned business do not exceed, by more than three percent, the costs that would have been incurred had it used the lowest-cost qualified business. The measure applies to businesses that are certified as small, women-owned, or minority-owned by the Department of Small Business and Supplier Diversity.

Primary Sponsors
Jennifer Carroll Foy
Title
Coal combustion residuals impoundment; closures in Giles and Russell Counties.

Description
Coal combustion residuals impoundment; Giles and Russell Counties; closure. Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, at the Glen Lyn Plant and the Clinch River Plant in Giles and Russell Counties, respectively, to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse such removed CCR if doing so is anticipated to reduce costs. Such a closure project shall be completed within 15 years of the start of excavation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile or, if such connection is not feasible, to provide water testing for any such residence.

Primary Sponsors
Jennifer Carroll Foy

Title
Renewable energy property; tax credit established.

Description
Renewable energy property tax credit. Establishes, beginning in taxable year 2020, a tax credit for renewable energy property placed in service. The bill defines “renewable energy property” as certain biomass equipment that uses renewable biomass resources, combined heat and power systems using waste heat to produce electricity or thermal or mechanical energy, certain geothermal equipment, hydroelectric generators located at existing dams or in free-flowing waterways, solar energy equipment, and wind equipment that is necessary for capturing and converting wind energy into electricity or mechanical power.

Primary Sponsors
Rip Sullivan
Title
Coal-fired or natural gas-fired electric generation facilities; retirement of facilities.

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

Primary Sponsors
Suhas Subramanyam

Title
Community solar development pilot program; low-income communities.

Description
Community solar development pilot program; low-income communities. Requires each incumbent electric utility to select for dedication to its community solar development pilot program one or more eligible generating facilities that are located within a low-income community as a condition for the utility’s selection for dedication to its program any eligible generating facility that is located outside a low-income community. The bill requires the costs of the selected facilities in low-income communities to equal or exceed the costs of the eligible generating facility that is located outside a low-income community. These requirements apply to facilities selected on or after July 1, 2020. The bill defines a low-income community as a census tract that is designated in 2019 or thereafter as a qualified census tract for purposes of the Low-Income Housing Tax Credit. Such census tracts are required to have 50 percent of households with incomes below 60 percent of the area median gross income or have a poverty rate of 25 percent or more.

Primary Sponsors
Mark Keam
**Title**
Electric utilities; energy efficiency programs, stakeholder process.

**Description**
Electric utilities; energy efficiency programs; stakeholder process. Requires the stakeholder process to be used by American Electric Power and Dominion Energy Virginia to provide input and feedback on compliance with any required incremental annual energy efficiency savings; recommended policy reforms by which the General Assembly or State Corporation Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth; and best practices for evaluation, measurement, and verification for the purposes of assessing compliance with any required incremental annual energy efficiency savings. The measure also requires each utility's stakeholder process to include the participation of the Director of the Commission's Division of Public Utility Regulation and the relevant deputies and staff members of the Division who participate in approval and oversight of utility energy efficiency programs.

**Primary Sponsors**
Mark Keam
**Title**
Undergrounding electric transmission lines; pilot program.

**Description**
Undergrounding electric transmission lines; pilot program.
Specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed $40 million or, if greater than $40 million, does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. This bill is identical to SB 782.

**Primary Sponsors**
Mark Keam

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**Title**
Energy saving products; tax deduction.

**Description**
Tax deduction for energy-saving products. Establishes a tax deduction for the amount a taxpayer pays for energy-saving products, not to exceed $10,000. Energy-saving products are defined as being either (i) solar panels or (ii) products that meet the requirements of the Energy Star program established by the U.S. Environmental Protection Agency and the U.S. Department of Energy. To qualify for the deduction, the taxpayer must spend at least $1,000 on energy-saving products. The bill also provides that a person may not claim both this deduction and the existing deduction for certain energy-efficient products during the same taxable year.

**Primary Sponsors**
Rodney Willett
### Title
Pipeline construction; certification requirement, minimum diameter, stop work orders.

### Description
Pipeline construction; certification requirement; minimum diameter; stop work orders. Reduces from 36 inches to 24 inches the minimum inside diameter of a natural gas transmission pipeline for which an individual Virginia Water Protection Permit, rather than a general permit, is required to conduct activities in wetlands or state waters or an additional upland activity certification is required to obtain a Clean Water Act Certification. The bill reduces from 15 percent to 10 percent the minimum grade of a slope on which any construction activities will trigger the requirement for such additional upland activity certification. The measure requires the Department of Environmental Quality, within five business days of the issuance of a stop work instruction, to notify the pipeline company of specific corrective measures that shall be completed and approved by the Department before any land-disturbing activity may be resumed. The bill authorizes the State Water Control Board, in addition to the Department, to issue such stop work instructions and adds requirements and restrictions on any further construction once such an instruction is issued.

### Primary Sponsors
Chris Hurst

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### Title
Pipeline construction projects; violations, cumulative effect, civil penalties.

### Description
Pipeline construction projects; violations; cumulative effect; civil penalties. Directs the State Water Control Board to adopt regulations to penalize the accrual of violations of the State Water Control Law by any large natural gas transmission pipeline construction project. The bill requires the regulations to provide that, for every 10 such violations in one calendar month, the Board shall issue an accrued cumulative impact violation order that includes a civil penalty of $32,500. If a project accrues a total of 20 such violations in one calendar month, the Board shall additionally, after notice and hearing, initiate proceedings to halt work on the entirety of the project, with work to remain halted until corrective action is taken and is approved by the Board.

### Primary Sponsors
Chris Hurst
Pipeline construction permit; amount of civil penalty for violation.

Description
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.

Primary Sponsors
Chris Hurst

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

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

Primary Sponsors
Nancy Guy

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

Primary Sponsors
Steve Heretick
Title
Solar energy projects; national standards.

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

Primary Sponsors
Steve Heretick

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Title
Comprehensive plan; solar facilities review.

Description
Comprehensive plan; solar facilities review. Exempts a solar facility that is 150 megawatts or less from the requirement that it be reviewed for substantial accord with a locality's comprehensive plan if the zoning ordinance of the locality permits solar facilities with a conditional use permit and the locality waives the requirement that solar facilities be reviewed.

Primary Sponsors
Steve Heretick

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

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

Primary Sponsors
Mike Mullin
Title
Offshore drilling; prohibition on leases, policy.

Description
Offshore oil and gas drilling; prohibition on leases; policy. Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline. This bill incorporates HB 1016.

Primary Sponsors
Mark Keam
Title
Virginia Energy Plan; climate change pressing challenge.

Description
Virginia Energy Plan; Commonwealth Energy Policy. Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia’s economy that reach net-zero emissions by 2050; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of storage technologies into the grid and pairing such storage technologies with renewable generation; (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 car... (click bill link to see more).

Primary Sponsors
David Reid
Title
Underground pipelines and electrical transmission lines; agriculture.

Description
Underground pipelines and conduit and electrical transmission lines; agriculture. Requires a utility company installing an underground pipeline or conduit with an inside diameter greater than 12 inches or an underground electric transmission or distribution line of greater than 115 kV in capacity to mitigate the effects of the project if the project disturbs 10,000 square feet or more of agricultural land. The bill directs the State Corporation Commission to adopt regulations requiring the utility company to remove topsoil from the planned construction site and either redistribute it to graded areas elsewhere on the land of the affected property owner or store it nearby, protected from erosion and compaction, for later redistribution on the disturbed area.

Primary Sponsors
David Reid

Title
Electric utilities; right to shop.

Description
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.

Primary Sponsors
Jeff Bourne
Distributed renewable energy;	promotes establishment of solar and other renewable energy.

Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.

Primary Sponsors
Marcus Simon
Electric utility regulation; initial triennial review, requirements.

Establishes requirements for the first scheduled triennial review proceeding for Virginia Electric and Power Company that is scheduled to be conducted in 2021. The measure directs that such initial triennial review shall consist of a generation and distribution rate case conducted solely pursuant to Chapter 10 (§ 56-232 et seq.) of Title 56 of the Code of Virginia, rules of the State Corporation Commission, and this measure. As part of the initial triennial review, the Commission is directed to review the earnings during the utility's test period and to order credits to customers in amounts equal to any earnings during the combined test periods that are above the utility's authorized rate of return in effect on July 1, 2020, as determined in the initial triennial review. The measure authorizes the Commission to order rate adjustments and to use any methodology to determine the fair rate of return on common equity that it finds consistent with the public interest, provided that such return shall be set at a level that is sufficient to assure confidence in the utility's financial integrity, adequate to maintain and support the utility's credit and its ability to attract capital, and comparable to returns that investors in securities would expect to earn on investments of similar risk. The measure provides that any capital investments made during the combined test periods reviewed during an initial triennial review in utility owned solar or wind generation facilities or electric distribution grid transformation projects will not be applied as customer credit investment offsets during such utility's initial triennial review, but any portion of such capital investments that remain undepreciated as of the utility's subsequent triennial reviews may be applied as customer credit reinvestment offsets in subsequent proceedings. The measure directs the utility to make its initial triennial review filing by March 31, 2021. Subsequent triennial reviews shall be conducted pursuant to the Virginia Electric Utility Regulation Act. This bill was incorporated into HB 1132.

Primary Sponsors
Lee Ware
Title
Utility easements; pole attachments.

Description
Utility easements; pole attachments. Declares that a prescriptive easement, including the right to use such easement for both electric and communications services, exists in an area unserved by broadband when an electric cooperative has a utility map showing the placement, dating back not fewer than 20 years, of facilities owned, maintained, or controlled by the electric cooperative within an easement, and there is no documentation in those records of the electric cooperative or in the public record showing a grant of an inconsistent express easement by the landowner to the cooperative within the easement area. The measure entitles a third-party nongovernmental broadband service provider to use such a prescriptive easement at no charge by the electric cooperative for apportionment and lease of the real estate rights of the cooperative. The measure also provides that when a cooperative has acquired a prescriptive easement in an area unserved by broadband pursuant to which it has the right to install, maintain, and use poles and wires or underground conduits for a communications purpose, it shall be the public policy of the Commonwealth to encourage broadband expansion and to interpret such easement to also include the right of a nongovernmental broadband service provider to install, maintain, operate, repair, and replace broadband lines, systems, and facilities necessary for the provision and extension of broadband and other communications services within such easement. The measure gives the State Corporation Commission exclusive jurisdiction over any dispute as to the right of an electric cooperative or nongovernmental broadband service provider to use such a prescriptive easement.

Primary Sponsors
Dave LaRock
Title
Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

Description
Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund, (ii) to the Department of Housing and Community Development for low-income energy efficiency programs, (iii) for administrative expenses, and (iv) for statewide climate change planning and mitigation activities. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent flooding. This bill incorporates HB 20 and HB 1152.

Primary Sponsors
Charniele Herring

Organizational Notes
Last edited by Brett Vassey at Feb 15, 2020, 1:17 PM
RGGI Tax proceeds should be returned to electricity ratepayers. The bill has no CO2 atmospheric measurement reduction goals, no sea level measurement goals and has no utility ratepayer cost protections other than for low-income individuals. The bill also ignores the positive economic AND environmental benefits of clean natural gas as a fuel for energy generation/grid stabilization, home heating, and industrial fuel/raw materials needed to make advanced fibers and light weight materials that reduce energy consumption and improve energy efficiency in homes/building materials, construction, automobiles, household goods and electronics.
### Offshore energy resources; moratorium on offshore oil and gas development.

**Title**
Offshore energy resources; moratorium on offshore oil and gas development.

**Description**
Offshore energy resources; moratorium on offshore oil and gas development. Prohibits any form of leasing for purposes of exploration, development, or production of oil or gas in Virginia's territorial sea, which encompasses the waters within three nautical miles wide adjacent to Virginia's coast. The measure prohibits state agencies from leasing, or from authorizing or permitting the construction or location of a structure upon, over, or under, any of the submerged and submersible lands within the limits of the territorial sea for the exploration, development, or production of oil or gas. The measure also removes from the Virginia Energy Plan provisions that state that it is the policy of the Commonwealth to support federal efforts to determine the extent of oil and natural gas resources 50 miles or more off the Atlantic shoreline and to permit the production and development of oil and natural gas resources 50 miles or more off the Atlantic shoreline. This bill was incorporated into HB 706.

**Primary Sponsors**
Nancy Guy

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### Electrical transmission lines; placement of overhead and underground lines.

**Title**
Electrical transmission lines; placement of overhead and underground lines.

**Description**
Electric utility regulation; pilot program for undergrounding electrical transmission lines. Provides that the State Corporation Commission's approval of a proposed transmission line for inclusion in a pilot program established as part of the Grid Transformation and Security Act enacted in 2018 (i) precludes the placement of future overhead electrical transmission lines of at least 69 kilovolts in the same area or corridor by other transmission projects for a period of 10 years and (ii) does not preclude (a) any underground transmission lines in such right-of-way or (b) any electrical distribution lines in such right-of-way.the placement of electrical distribution lines in the same area or corridor. 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.

**Primary Sponsors**
Danica Roem
Title
Electric utilities; net energy metering.

Description
Electric utilities; net energy metering. Declares that an electrical generating facility located on real property owned by the customer that is at a location that is separated by a right-of-way or other easement from the location on the customer’s real property where the electrical generation facility is connected to the customer’s meter or where the customer consumes the electricity generated from the electrical generating facility shall be deemed to be located on the customer’s premises. Currently, in order to be eligible to participate in a net energy metering program, a customer’s electrical generating facility is required to be located on the customer’s premises and be connected to the customer’s wiring on the customer’s side of its interconnection with the distributor. The bill states that its provisions are declarative of existing law.

Primary Sponsors
Kaye Kory

Title
Solar energy projects; revenue share assessment.

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

Primary Sponsors
Jay Jones

Title
Electric utility regulation; initial triennial review, requirements.

Description
Electric utility regulation; initial triennial review. Establishes requirements for the first scheduled triennial review proceeding for Virginia Electric and Power Company that is scheduled to be conducted in 2021. The measure directs that such initial triennial review shall consist of a generation and distribution rate case conducted solely pursuant to Chapter 10 (§ 56-232 et seq.) of Title 56 of the Code of Virginia, rules of the State Corporation
Commission, and this measure. As part of the initial triennial review, the Commission is directed to review the earnings during the utility's test period and to order credits to customers in amounts equal to any earnings during the combined test periods that are above the utility's authorized rate of return in effect on July 1, 2020, as determined in the initial triennial review. The measure authorizes the Commission to order rate adjustments and to use any methodology to determine the fair rate of return on common equity that it finds consistent with the public interest, provided that such return shall be set at a level that is sufficient to assure confidence in the utility's financial integrity, adequate to maintain and support the utility's credit and its ability to attract capital, and comparable to returns that investors in securities would expect to earn on investments of similar risk. The measure provides that any capital investments made during the combined test periods reviewed during an initial triennial review in utility owned solar or wind generation facilities or electric distribution grid transformation projects will not be applied as customer credit reinvestment offsets during such utility's initial triennial review, but any portion of such capital investments that remain undepreciated as of the utility's subsequent triennial reviews may be applied as customer credit reinvestment offsets in subsequent proceedings. The measure directs the utility to make its initial triennial review filing by March 31, 2021. Subsequent triennial reviews shall be conducted pursuant to the Virginia Electric Utility Regulation Act.

This bill incorporates HB 969.

Organizational Notes

Last edited by Brett Vassey at Feb 19, 2020, 10:09 AM

HB1132/ HB969 Dominion Energy Base Rate Case – Directs that the State Corporation Commission to conduct a traditional rate case to examine base rates and issue credits to ratepayers for any over-recovery. The current statute which was negotiated in SB966 (2018), Grid Transformation & Security Act, limits the ability of the SCC to reduce base rates in the 2021 State Corporation Commission triennial base rate case. The following excerpts were taken from two letters to Delegates Lee Ware and Jay Jones from the State Corporation Commission: 1. Does HB 1132 alter the Commission's standard of review when considering utility applications for new pumped hydro-electric energy storage, offshore wind, solar projects, or any other projects under § 56-585.1A? Answer: No. 2. If the Commission approves new projects for pumped hydro-electric energy storage, offshore wind, solar, or any other projects under § 56-585.1A, does HB1132 prevent a utility from timely recovering the costs of those projects? Answer: No, electric utilities may choose to apply to recover costs of the listed generation facilities either through base rates or a rate adjustment clause. 3. Is it accurate that Dominion's rates for generation and distribution have not been set on a cost of service basis by the Commission since 1992? Answer: Yes. 4. Does this bill empower the Commission to return to customers money that Dominion has earned above its authorized fair rate of return? Answer: Yes. 5. Based on the Commission's annual estimates, how much money has Dominion over-earned since the General Assembly passed the Regulation Act of 2007? Answer: When over-earnings are defined as earnings above the Commission authorized return on equity, Dominion has experienced approximately $1.6 billion of over-earnings since 2007. 6. Since 2007, how much of those over-earnings have customers received as refunds or rate credits? Answer: Approximately $701 million of refunds and approximately $458 million of additional bill credits. 7. Based on the Commission's annual estimates, how much money has Dominion over-earned since rates for generation and distribution were last set on a cost of service basis in 1992? Answer: The Commission did not make any determinations of over-earnings between 1999 and 2007 due to frozen rates. Between 1994 and 2006, Staffs reports or testimony to the Commission reflected approximately $1.8 billion of over-earnings. It should be noted that Dominion Energy Virginia generally reported a different level of over-earnings during that period. The $1.8 billion identified by Staff combined with $1.6 billion in overearnings between 2007 and 2018 (described in the previous answer) adds up to approximately $3.4 billion of over-earnings reported between 1994 and 2018. 8. Since 1992, how much of those over-earnings have customers received as refunds or rate credits? Answer: Approximately $1.3 billion. 9. If HB1132 were to become law, would Dominion Energy still recover all approved costs for any new projects it may undertake, including projects authorized under the Grid Transformation and Security Act (GTSA) of 2018? Answer: Yes. See answer to number 3 below. 10. Would HB1132 delay cost recovery for any project undertaken by Dominion, including projects authorized under the GTSA? Answer: No. 11. Under HB1132, what cost recovery mechanisms can Dominion Energy use for any such projects? Answer: Dominion Energy may opt to recover project costs through either base rates or a rate adjustment clause. 12. Under HB1132, if the Commission finds that there are overearnings in the 2021 rate case, will the Commission have the authority to refund overearnings to customers instead of allowing the company to accelerate cost recovery via a Customer Credit Reinvestment Offset (CCRO)? Answer: Yes. 13. Is it accurate that under HB1132, all rate cases after 2021 will occur pursuant to Chapter 23 with CCROs available as a mechanism to accelerate cost recovery? Answer: Yes. HB1132 does not apply to any rate proceeding other than the 2021 triennial review.
**Title**
Solar and wind energy; projects on previously developed project sites.

**Description**
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.

**Primary Sponsors**
Jay Jones

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**Title**
Clean School Bus Grant Fund and Program; created and established.

**Description**
Clean School Bus Grant Fund and Program; establishment. Establishes the Clean School Bus Grant Fund and requires the Department of Education to establish the Clean School Bus Grant Program for the purpose of (i) awarding grants from the Fund on a competitive basis to school boards for (a) the complete replacement of existing diesel school buses with electric school buses no later than 2030, (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses, and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) developing education outreach to promote the Program. The bill contains provisions relating to grant applications, priority, awards, and uses. The bill requires the Department of Education to make available to the public and annually report to the General Assembly certain information relating to the Program. The bill has an expiration date of July 1, 2030.

**Primary Sponsors**
Mark Keam
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**Title**
Carbon dioxide cap and trade program; establishes program, etc.

**Description**
Regional Greenhouse Gas Initiative; Energy Efficiency Fund. Directs the Department of Environmental Quality (DEQ) to implement the final carbon trading regulation as approved by the Air Pollution Control Board providing for the establishment of a carbon dioxide cap and trade program. The measure directs the Commonwealth to become a member of the Regional Greenhouse Gas Initiative (RGGI). Pursuant to the Commonwealth's participation in the RGGI program, the Department shall seek to sell 100 percent of all allowances issued each year through the allowance auction. The measure authorizes the Director of the DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program. The measure establishes the Energy Efficiency Fund and requires that all proceeds received from the sale of allowances conducted through the RGGI program be paid into the state treasury and credited to the Fund. Not less than 50 percent of the proceeds received from the sale of allowances shall be credited to an account to support energy efficiency programs, with at least 20 percent of the proceeds being directed to low-income energy efficiency programs. Not more than three percent of the proceeds shall be used to cover reasonable administrative expenses. The remaining funds will revert to the general fund. This bill was incorporated into HB 981.

**Primary Sponsors**
Alfonso Lopez

**Title**
Regional electric utility programs; participation by Commonwealth.

**Description**
Regional electric utility or transportation sector emissions programs; participation by Commonwealth. Prohibits the Governor or any state agency or political subdivision from adopting any regulation, rule, or guidance document that establishes or authorizes the Commonwealth to join or participate in a regional program addressing emissions from the electric utility sector or transportation sector unless the program requires that all of the proceeds from the sale of emissions allowances be returned to customers in the Commonwealth.

**Primary Sponsors**
Charlie Poindexter
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**Title**
Bulk energy storage resources; State Corporation Commission.

**Description**
State Corporation Commission; bulk energy storage resources. Requires the State Corporation Commission to establish a task force to evaluate and analyze the potential for bulk energy storage resources to, among other things, help integrate renewable energy into the electrical grid. The measure requires the Commission to submit the results of task force's evaluation and analysis to the General Assembly by October 1, 2021.

**Primary Sponsors**
Alfonso Lopez

**Organizational Notes**
Last edited by Brett Vassey at Feb 9, 2020, 9:28 PM
Bill should be amended to require the valuation and recommendation of approved decommissioning and disposal regulations for all storage technology and their batteries (e.g., landfills). This amendment is to ensure future avoidance of a “coal-ash” disposal type incident where ratepayers could pay twice for the same disposal.
Title
Distributed energy generation; promotes establishment of distributed solar energy.

Description
Distributed energy generation. Promotes the establishment of distributed solar and other renewable energy. The measure (i) increases the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to 10 percent, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a solar energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of solar energy and states that the distributed generation of solar electricity is in the public interest, and the State Corporation Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

Primary Sponsors
Alfonso Lopez

Title
Electric utilities; broadband capacity.

Description
Electric utilities; broadband capacity. Authorizes an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity. The leases may extend in length beyond the end of the pilot program under which the utility provides broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband.

Primary Sponsors
Israel O'Quinn
Title
Fossil fuel investments; tax on electric utilities.

Description
Tax on fossil fuel investments by electric utilities. Imposes a tax on investor-owned electric utilities and electric cooperatives based on the amount that the utility invests in a year on fossil fuel infrastructure. The rate of the tax starts at 2.5 percent of the amount of a utility’s fossil fuel investments in 2021 and increases in annual increments thereafter until reaching 100 percent in 2040 and thereafter. The measure directs that the revenue collected from the tax shall be deposited into the Clean Energy Development Fund and used to pay administrative costs of the Department of Mines, Minerals and Energy; reduce the electric utility bills of customers that opt to purchase electricity from renewable energy sources; invest in renewable electric energy generation sources in low-income communities; establish and fund block grants to enable community solar facilities and energy storage installation; and enable attainment of renewable portfolio standards based on regulations adopted by the Department.

Primary Sponsors
Daniel Helmer

Title
Electric utility regulation; approval of generating facilities.

Description
Electric utility regulation; approval of generating facilities. Allows the State Corporation Commission, in its consideration of an application for approval of an electrical generating facility, to consider environmental effects not expressly governed by a permit or expressly considered by a permitting authority, including carbon emissions and the overall impacts of new and existing facilities on the health and welfare of the residents of the Commonwealth. The measure also removes provisions that prohibited the Commission from imposing additional conditions with respect to such matters.

Primary Sponsors
Kaye Kory
### Title
Nuclear energy; strategic plan for overall goal of carbon-free energy.

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

#### Primary Sponsors
Chris Hurst

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### Title
Utility bills; statement of environmental law compliance.

### Description
Utility bills; statement of environmental law compliance. Requires each gas or electric utility to include as a line item on each customer’s monthly billing statement an estimate of the customer’s share of the utility’s costs of complying with legislative or executive requirements related to the generation of electricity from specified sources, participation in regional and interstate agreements, the purchase of generation credits, emissions reduction requirements, and net-metering or distributed generation programs.

#### Primary Sponsors
Michael Webert
Electric utility regulation; energy efficiency standard.

Requires Dominion Energy Virginia (DEV) and American Electric Power (AEP) to achieve incremental net annual savings in accordance with a schedule that starts in 2021, when savings are required to be at least 0.35 percent of the average annual energy retail sales by that utility in the three preceding calendar years, and increases the level of required savings until 2027 and thereafter, when savings are required to be at least two percent of the utility's average annual energy retail sales in the three preceding calendar years. The measure requires the utilities to retain an independent, qualified third-party evaluator to determine the utility's incremental net annual savings and other benefits of the program. The measure requires the State Corporation Commission, for any year that a utility meets the annual energy efficiency standard, to allow for the additional recovery of a margin on its program's operating expenses through a rate adjustment clause that provides the utility with a margin equal to the general rate of return on common equity. The Commission is directed to award an additional 20 basis points for each 0.1 percent of annual savings in excess of the required amount of savings, with a cap on total performance incentive awards in any year of 10 percent of the utility's total energy efficiency spending in that year. The measure also (i) increases the portion of the approved costs of certain utility energy efficiency programs that are required to be allocated to programs designed to benefit low-income, elderly, and disabled individuals from five percent to 15 percent of the approved costs of such programs and adds veterans to be benefited from such programs; (ii) requires the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to include the participation of certain Commission personnel who participate in approval and oversight of utility efficiency programs; (iii) directs the Commission to increase the utility's rates to recover for revenue reductions related to energy efficiency programs if the revenue reductions have caused the utility, during the test period or periods under review, to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for DEV and after December 31, 2013, for AEP, more than 70 basis points below a fair combined rate of return on its generation and distribution services; (iv) allows certain large general service customers to avoid participation in energy efficiency programs and to avoid paying for the costs of such programs through a ... (click bill link to see more).

Primary Sponsors
Rip Sullivan
Title
Electric utility regulation; mandatory renewable energy portfolio standard.

Description
Electric utilities; mandatory renewable energy portfolio standard. Replaces the existing voluntary renewable energy portfolio standard (RPS) program with a mandatory renewable energy portfolio standard program that requires each electric utility to generate or purchase increasing percentages of electric power that is generated from renewable energy sources. The required percentages start at 14 percent of the total electric energy sold in 2021. Thereafter the required percentages increase in steps until 2050 and thereafter, in which years 100 percent of the total electric energy sold is required to be renewable energy. The measure also requires that the sources of renewable energy be derived from one of several tiers, with required percentages varying over time. A utility that fails to comply with an RPS standard established for a year is required to pay a deficiency payment. The moneys paid as deficiency payments will be distributed by the Department of Mines, Minerals and Energy to programs for low-income, disability, veteran, and age-qualifying energy efficiency programs and renewable energy programs, energy efficiency measures for public facilities, and administrative costs. The measure also requires the State Corporation Commission to implement an energy storage deployment target of 2,400 megawatts by 2035.

Primary Sponsors
Rip Sullivan

Title
Virginia Clean Economy Act.

Description
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 that applies to electric utilities and licensed competitive suppliers. Under the mandatory RPS, utilities and suppliers are required to produce their electricity from 100 percent renewable sources by 2045 for Dominion Energy Virginia and any retail supplier operating in the service territory of Dominion Energy Virginia and by 2050 for American Electric Power and any retail supplier operating in the service territory of American Electric Power. A utility or supplier that does not meet its
targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically-disadvantaged communities, energy efficiency measures, and administrative costs. The measure 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 measure authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The measure requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation to the Virginia Community Flood Preparedness Fund, to the Department of Housing and Community Development for low-income energy efficiency programs, for administrative expenses, and for statewide climate change planning and mitigation activities. The measure 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 communi...

(click link to see more).

**Primary Sponsors**

Rip Sullivan

**Organizational Notes**

Last edited by Brett Vassey at Feb 27, 2020, 11:57 AM

The Virginia State Corporation Commission estimates that the typical residential electricity bill will increase by 24% (or $27.80 per month) due to this legislation. The SCC also stated that there are at least 9 other costs in the bill that will increase electricity bills but they cannot determine the exact amount. This is compounded by the costs already scheduled from the GTSA (2018) and subsequent sessions (Coal Ash), that will cost $35,90 per month. In total, all costs together would increase monthly residential bills by $63.70 per month. The average 150,000 square foot factory should expect a $235,200 - $539,000 annual increase in electricity costs by 2027. This bill incorporates most of HB1450 but primarily restricts the authority of the State Corporation Commission to determine reasonable and prudent costs in order to protect the electric utility ratepayer; adds restrictions on utility rates of returns on nuclear and offshore wind; restricts new nuclear development; removes the 16 MW limit on the offshore wind pilot; increases caps on net metering; introduces the use of the social cost of carbon in the evaluation of new projects which undefined; bans new fossil fuel generation projects; directs the Air Pollution Control Board to report to the GA by 1/1/21 on how to achieve 100% net carbon free generation by 2045; directs the Air Board to develop a CO2 cap & trade rule that complies with RGGI (presumably state only); directs Dominion Energy to develop 5,200 MWs of offshore wind; directs the Air Board to adopt a regulation to effectively eliminate CO2 from generation by 2045; repeals the Manufacturing and Commercial Competitiveness Retention Credit; increases energy efficiency mandates and costs on industrial companies; forces new social programming and other costs onto customers that are not served by Dominion Energy generation; and repeals authorization for certain third-party power purchase agreements. In addition to costs, the VMA's primary concerns are as follows:

1. Rationale for Legislation & Missing Performance Metrics
   a. CO2 Measurements – 2020, 2030, 2045 b. Sea Level Rise Measurement – 2020, 2030, 2045 c. Economic Performance – 13,000 jobs 2. Manufacturing & Commercial Competitiveness Retention Credit 3. CO2 Auction Proceeds, Electricity Costs and Reliability 4. Energy Efficiency Industrial Exemption 5. New Fossil Fuel Generation Restrictions 6. Renewable Portfolio Standards 7. Offshore Wind 8. Storage 9. Non-Jurisdictional Customer Cost Liabilities 10. Universal Service Fee 11. Percentage of Income Payment Program and Fund (PIPP) 12. Natural Gas 13. Peer Group: Competitive C&I Rates Excerpts from a letter to Delegate Charles Poindexter from the State Corporation Commission regarding this legislation: 1. RGGI CO2 Auction Proceeds The bills treat RGGI CO2 auction proceeds as tax revenue and automatically appropriate those revenues to specific programs. Has a state regulatory body, other than the SCC, ever taxed electricity? Also, is there a constitutional conflict whereby RGGI CO2 auction proceeds should be returned to the consumer through electricity rates or some other mechanism? Answer: Staff is not aware of electricity sales being taxed by another Virginia regulatory body. Staff is unable to address the question concerning a constitutional conflict at this time. 2. The bills also authorize the DEQ Director to establish a program to sell allowances into a market-based trading program consistent with RGGI. The ambiguity that this provision creates is whether DEQ is being directed to establish a Virginia-only cap and trade program or to establish the mechanism for the allocation of auction proceeds. Please clarify. Answer: By their current text, SB841 and HBJ 526 provide for the Department of Environmental Quality (“DEQ”) to sell allowances and retain the proceeds for:
(1) assisting localities and residents affected by recurrent flooding, sea level rise and flooding due to severe weather; (2) low-income energy efficiency programs; (3) administrative costs incurred by DEQ; and (4) administrative costs of Department of Housing and Community Development and Department of Mines, Minerals and Energy. Auction proceeds will not reduce electric utility customer bills. Any specifics concerning DEQ’s implementation can best be addressed by DEQ. 3. Electricity Costs and Reliability The bills constrain the Commission from issuing a certificate for any investor owned utility to own, operate or construct a fossil generation unit. It appears that this is in conflict with PJM reliability requirements and the SCC’s statutory mandate to protect consumers. Please address the constitutional and regulatory conflicts involved and any resolution to this problem. Answer: By their current text, SB851 and HB1526 provide that the Commission has the discretion to approve cost recovery of a fossil fuel generating station when there is a threat to the reliability or security of electric service if: (1) the utility has already met the energy savings goals identified in § 56-596.2 of the Code; and (2) that supply-side resources are more cost effective than demand-side or energy storage resources. Additionally, Enactment Clause 10 provides, "That nothing in this act shall require the State Corporation Commission to take any action that, in its discretion and after consideration of all in-state and regional transmission entity resources, threatens the reliability or security of electric service to the utility’s customers.” It is confusing to legislators and the public what we are mandating and specifically how it will impact retail electricity costs. We need a visualization of the total retail cost of electricity per kWh by rate class (e.g., residential, commercial, industrial). Please include a clear picture of how the total kWh retail cost is assessed. For example, x cents per kWh for base (what is in base rates as well), cents per kWh for transmission, cents per kWh for undergrounding RAC, cents per kWh for GTSA, cents per kWh for coal ash disposal, etc. We also need to understand the big picture of how these costs aggregate into the average consumer’s electricity bill per year by rate class. Answer: The current monthly bill for a Dominion Energy Virginia residential customer using 1,000 kWh is $122.22, which includes generation and distribution base rates, transmission costs, distribution RACs, and generation RACs... Please see attached which was provided to the Senate Commerce and Labor Committee. The attachment identifies ranges of bill impacts for certain items while bill impacts for other items could not be quantified at this time. Senate Bill 851/House Bill 1526 Customer Bill Impacts - Dominion Energy Virginia Customers Typical Residential Bill For Years 2027-2030 Current Typical Monthly Bill - February 2020 $122.66 Annual Typical Bill $1,471.92 Range of Impact on Monthly Bill I Offshore wind - Utility Build $11-$12 2 16,100 MW Solar $10-$15 3 Regional Greenhouse Gas Initiative ("RGGI" $2.00 - $2.50 4 Energy Storage Resources $5.0-$1.50 5 Biomass Unit Retirements ($20) - $0.6 6 Marine Life Impacts of Offshore Wind 7 7 Mandatory Renewable Portfolio Standards ("RPS") 8 8 RPS Deficiency Payments 9 9 Energy Efficiency - Performance Incentive/Margin 10 Energy Efficiency Programs - LGS Customers Exemption 11 Low Income/PIP Program 12 Administration Costs of PIP/Low Income 13 Universal Service Fee 14 Financial Assistance for Low Income Customers 15 Tax Revenues - Localities 16 Estimated Monthly Minimum Increase $23.30 (Minimum) = 16% Increase Estimated Annual Minimum Increase $279.60 Typical Monthly Bill 2027-2030 $145.96 Typical Annual Bill 2027-2030 $1,751.52 4. Offshore Wind. Does the VCEA limit the SCC’s authority to determine reasonable and prudent costs? Does the VCEA protect consumers from construction or technology cost failures? Since this is experimental technology, is it traditional ratemaking to require the Virginia consumer to bear 100% of the risk and costs? Should there be costs borne by other state consumers served by Dominion Energy? How do the operation and maintenance (O&M) costs, expressed in cents per kWh to consumers by class, compare between offshore wind and onshore solar, onshore wind and onshore combined cycle natural gas? Answer: By their current text, SB851 and HB1526 provides that development of 5200 MW of offshore wind and solar, onshore wind and battery storage is in the public interest. Further, costs for offshore wind are presumed to be reasonable and prudent if: (1) utility has complied with competitive solicitation and procurement; (2) the project’s projected total levelized cost of energy, including any tax credit, on a cost per megawatt basis inclusive of the costs of transmission and distribution facilities associated with the facility’s connection, does not exceed 1.6 times the comparable cost, on an unweighted average basis, of a conventional simple cycle combustion turbine generating facility as most recently estimated by the U.S. Energy Information Administration in its Annual Outlook at the time of the utility’s initial cost recovery request; and (3) the utility has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for any such facility to be in service prior to January 1, 2028. Traditionally, customers pay for utility costs that are determined by the Commission to have been reasonably and prudently incurred. The cost of operations and maintenance was included in Dominion Energy Virginia’s most recent Integrated Resource Plan. The information was designated confidential by Dominion Energy Virginia. 5. Storage - The VCEA includes significant battery storage technology. I am concerned that the disposal of the batteries for these facilities will create another “coal ash” disposal problem if we do not deal with it as part of the approval process. Is it appropriate to require battery decommissioning, recycling and landfilling as part of the costs of these facilities when being requested for sec approval? Answer: Generally, the anticipated cost to decommission utility assets is recovered from customers over the life of the asset. As actual decommissioning costs become known, such costs will be recovered from customers over the remaining life of the asset. 6. Natural Gas - The VCEA essentially eliminates natural gas as a fuel for electricity generation. How will this impact the natural gas market in the Commonwealth - will natural gas prices rise? Will capacity be constrained? Will this harm homeowners that rely upon natural gas for heat and industrial businesses that rely upon natural gas for fuel and feedstock? Answer: At this time Staff is not able to identify the impact on natural gas markets or natural gas customers. 7. Social Cost of Carbon The bills require the SCC to consider the “social cost of carbon” when evaluating new generation assets. A concern expressed is that without a clear benchmark and economic impact, this social cost test will result in unlimited expenditures. So, please provide answers to the following questions: What has been the reduction in CO2 emissions from all electricity generation over the last 10 years? Please provide a visual chart. What is the projected CO2 emissions reductions over the next 10 years as provided for in the 2018 Grid Transformation and Security Act? Answer: See the attachment concerning CO2 emissions in Virginia as provided by Energy Information Administration. Staff is unable to provide further information on projected CO2 reductions resulting from the 2018 Grid Transformation and Security Act. 8. If Virginia eliminated all CO2 emissions from electricity generation today, what would be the reduction in Virginia temperature and sea level in inches as well as reduction in global temperatures and sea level in inches by 2030? What would be the environmental benefit by 2030? If Virginia eliminated all CO2 emissions from electricity generation today, is it accurate that just the growth in CO2 emissions from China would displace all our CO2 emissions reductions in 3 months? Answer: Staff has no information responsive to these questions.
Electric utility regulation; energy efficiency programs, industrial customers.

Revises the definition of “large general service customer” from a customer with a verifiable history of demand from 500 kilowatts from a single meter of delivery to one with one megawatt at a single site. Certain large general service customers are exempt from the costs of certain energy efficiency programs. The measure requires the State Corporation Commission to allow a large general service customer to not participate in energy efficiency programs if such customer has implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria. The measure requires the Commission to adopt regulations requiring exempted customers to certify that its energy efficiency programs have delivered measured and verified savings within the prior five years.

Primary Sponsors
Terry Kilgore
Title
Offshore wind generation facilities; development of facilities.

Description
Offshore wind generation facilities. Requires the State Corporation Commission to allow Dominion Energy Virginia to recover all costs of certain utility-owned and utility-operated offshore wind generating facilities, including associated transmission and distribution facilities, and declares that these costs are reasonable and prudently incurred, if the utility (i) has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028, and (ii) demonstrates that it has utilized reasonable efforts to competitively solicit the majority of services and equipment associated with any such facility's construction, giving appropriate consideration to suppliers that have demonstrated successful experience on an offshore wind test or demonstration project off the Commonwealth's Atlantic shoreline. The measure provides that such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer. The measure requires the utility to (a) identify options for utilizing local workers, (b) consult with the Chief Workforce Development Officer, and (c) give priority to hiring local workers.

Primary Sponsors
Joe Lindsey

Title
Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.

Description
Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth. Prohibits the Governor or any state agency from adopting any regulation establishing a carbon dioxide cap-and-trade program or bringing about the participation by the Commonwealth in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate in such a cap-and-trade program if the House of Delegates and the Senate of Virginia each adopt a resolution by a majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

Primary Sponsors
Charlie Poindexter
Regional transportation sector emissions programs; participation by Commonwealth.

Regional transportation sector emissions programs; participation by Commonwealth. Prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

Primary Sponsors
Charlie Poindexter
Title
Electric utilities; offshore wind generation facilities development.

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

Primary Sponsors
Cliff Hayes

Organizational Notes
Last edited by Brett Vassey at Feb 9, 2020, 4:59 PM
Bill constrains SCC authority time control costs and determine best carbon free technology to meet VA Energy Plan goals.
Electric utility regulation; retail customer choice.

Electric utility regulation; retail customer choice. Replaces the Virginia Electric Utility Regulation Act with a system under which retail customers will be able to purchase electricity from the retail electric provider of their choice. The measure requires each incumbent investor-owned utility, electric cooperative, and municipal electric authority by January 10, 2021, to file with the State Corporation Commission a plan by which it will separate its customer energy services business activities that are otherwise also already widely available in the competitive market from its regulated utility activities by September 1, 2021, and to separate its business activities into an electric distribution utility, an electric transmission utility, a power generation company, and a retail electric provider, or into a single electric transmission and distribution utility, by January 1, 2022. Such separation may be accomplished by creating separate investor-owned companies, cooperatives, or municipal electric authorities or through the sale of assets to a third party. The measure provides consumer safeguards, including requirements that a retail customer have the right to choose a retail electric provider and to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources. When customer choice commences, a retail electric provider that is serving a retail customer on December 31, 2021, may continue to serve that customer until the customer chooses service from a different retail electric provider. If the Commission determines that a region served by an incumbent electric utility is unable to offer fair competition and reliable service to all retail customer classes on January 1, 2022, the measure requires the Commission to delay customer choice for the region. The Commission may use pilot projects to evaluate the ability of each region served by an incumbent electric utility to implement customer choice. After January 1, 2022, an incumbent electric utility may not sell electricity or otherwise participate in the market for electricity except for the purpose of buying electricity to serve its own needs or while competition for the region served by the utility is delayed. The measure requires the Commission to designate, through a bid process or other method, retail electric providers to serve as providers of last resort, which will be required to offer a customer retail service at a rate approved by the Commission. Metering services will be provided by an area’s incumbent electric utility or the electric distribution utility separated from the incumbent electric utility. Each electric distribution utility is required to bill a customer’s retail electric provider for ... (click bill link to see more).

Primary Sponsors
Mark Keam
Title
Eminent domain; eliminates specific provisions for assessment of costs in certain proceedings.

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

Primary Sponsors
Chap Petersen
**Title**
Virginia Energy Plan; relating to the Commonwealth Energy Policy.

**Description**
Virginia Energy Plan; Commonwealth Energy Policy. States that the Commonwealth Energy Policy shall include (i) 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; (ii) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (iii) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (iv) 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 (v) 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.

**Primary Sponsors**
Barbara Favola

**Organizational Notes**
Last edited by Brett Vassey at Dec 5, 2019, 10:15 AM


https://socialistforum.dsausa.org/issues/winter-2019/a-class-struggle-strategy-for-a-green-new-deal/ "In the likely case we don't completely end capitalism in the next decade, we need a plan for effectively dealing with climate change anyway. Winning a transformative GND will require massive leverage over the political and economic system. We need the ability to force these changes over the objection of broad sections of the capitalist class, who are fiercely unwilling to lose their profits. The confrontational tactics and electoral challenges of the growing GND movement are essential parts of the leverage we need, but we think history shows they won't be enough. We will also need direct leverage against the capitalist class, right in the places where they make their money. " "By helping facilitate the deepening of working-class revolt led by militant teachers, using popular class-struggle demands to politicize a mass audience, and supporting class-struggle electoral challenges and building workers' independent political infrastructure, socialists can help build the confidence and capacity of the working class to organize and fight back. While these sites of class struggle aren't climate solutions in themselves, this confidence and capacity will be the essential leverage to win a GND. Without this leverage, climate activists have little social power that doesn't rely on the goodwill of Democratic legislators and the largesse of benevolent billionaires—two groups we know will not support a working-class climate solution. The potentially transformative political capacity of the working class is the only force capable of saving us from climate catastrophe." "Like the old New Deal, mass disruption is what can force the state to cave to popular working-class demands. While the old New Deal relied on support from capital-intensive sectors of capital that could withstand higher wages and more powerful unions, the GND movement will need to fracture the capitalist class between the carbon-intensive (fossil fuel, steel, chemicals, etc), and less carbon-intensive sectors (e.g. technology, health care, services). Mass disruption is what will convince some capitalists that compromise is necessary."
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**Title**
Electric Utility Regulation, Commission on; extends sunset provision.

**Description**
Commission on Electric Utility Regulation. Postpones the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2020, to July 1, 2022.

**Primary Sponsors**
Tommy Norment

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**Title**
Higher educational institutions, public; public-private partnerships, wind and solar power.

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

**Primary Sponsors**
John Bell
Utility easements; fiber optic cable.

Utility easements. Provides that any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable. The bill further provides that any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such cable, unless the instrument granting the easement was recorded prior to July 1, 2020, and specifically states otherwise.

Primary Sponsors
Bill Stanley
Electric utility regulation; energy efficiency standard.

Electric utility regulation; energy efficiency standard. Requires Dominion Energy Virginia (DEV) and American Electric Power (AEP) to achieve incremental net annual savings in accordance with a schedule that starts in 2021, when savings are required to be at least 0.35 percent of the average annual energy retail sales by that utility in the three preceding calendar years, and increases the level of required savings until 2027 and thereafter, when savings are required to be at least two percent of the utility's average annual energy retail sales in the three preceding calendar years. The measure requires the utilities to retain an independent, qualified third-party evaluator to determine the utility's incremental net annual savings and other benefits of the program. The measure requires the State Corporation Commission, for any year that a utility meets the annual energy efficiency standard, to allow for the additional recovery of a margin on its program's operating expenses through a rate adjustment clause that provides the utility with a margin equal to the general rate of return on common equity. The Commission is directed to award an additional 20 basis points for each 0.1 percent of annual savings in excess of the required amount of savings, with a cap on total performance incentive awards in any year of 10 percent of the utility's total energy efficiency spending in that year. The measure also (i) increases the portion of the approved costs of certain utility energy efficiency programs that are required to be allocated to programs designed to benefit low-income, elderly, and disabled individuals from five percent to 15 percent of the approved costs of such programs and adds veterans to be benefited from such programs; (ii) requires the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to include the participation of certain Commission personnel who participate in approval and oversight of utility efficiency programs; (iii) directs the Commission to increase the utility's rates to recover for revenue reductions related to energy efficiency programs if the revenue reductions have caused the utility, during the test period or periods under review, to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for DEV and after December 31, 2013, for AEP, more than 70 basis points below a fair combined rate of return on its generation and distribution services; (iv) allows certain large general service customers to avoid participation in energy efficiency programs and to avoid paying for the costs of such programs through a ... (click bill link to see more).

Primary Sponsors
John Bell
Title
Electric utilities; retail competition, renewable energy.

Description
Electric utilities; retail competition; renewable energy. Allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy.

Primary Sponsors
Dave Sueterlein, John Bell
Electric utilities; retail competition.

Electric utilities; retail competition. Shortens from five years to three years the period that a customer who switches from an investor-owned electric utility to a licensed competing supplier is barred from returning as a customer of the utility. The measure provides that if a single person purchases electric energy from a licensed supplier and such electric energy is composed of a percentage of renewable energy equal to or greater than the percentage of renewable energy that the licensed supplier is required to provide pursuant to any renewable energy portfolio standard, such person will constitute a single retail customer, notwithstanding that service is provided to noncontiguous sites. Under current law, for the purposes of purchasing energy from a licensed competing supplier, noncontiguous sites are considered individual retail customers and cannot be aggregated to meet the energy demand threshold regardless of common ownership or control. The measure provides that for cooperative customers the lockout period remains five years and noncontiguous sites are still considered individual retail customers. The measure also allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates the condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy. Finally, the measure directs the State Corporation Commission to update its consumer protection regulations relating to the availability of service through licensed suppliers.

Primary Sponsors
Jeremy McPike
<table>
<thead>
<tr>
<th>Title</th>
<th>Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.</th>
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<tbody>
<tr>
<td>Description</td>
<td>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.</td>
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<tr>
<td>Primary Sponsors</td>
<td>Chap Petersen</td>
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<tr>
<td>State</td>
<td>VA</td>
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<tr>
<td>Bill Number</td>
<td>SB 504</td>
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<td>FN Outlook</td>
<td>97.4% 67.7%</td>
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<table>
<thead>
<tr>
<th>Title</th>
<th>Third-party power purchase agreements; regulation of retail sales of electricity under agreements.</th>
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<tr>
<td>Description</td>
<td>Third-party power purchase agreements. Exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a distributed generation facility. The measure provides that the sale of electricity generated at a distributed energy facility by a person that is not a public utility, public service corporation, or public service company to a customer that is purchasing or leasing the distributed energy facility under the terms of a third-party power purchase agreement does not constitute the retail sale of electricity. The measure prescribes State Corporation Commission regulation of the sale of electric energy that is generated on site by a distributed generation facility pursuant to a third-party power purchase agreement. The measure also repeals the pilot program initially enacted in 2013 that authorized Dominion Energy to enter into certain third-party power purchase agreements providing financing of certain renewable generation facilities.</td>
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<tr>
<td>Primary Sponsors</td>
<td>John Edwards</td>
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<tr>
<td>State</td>
<td>VA</td>
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<td>Bill Number</td>
<td>SB 532</td>
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<td>Labels:</td>
<td>Renewable Energy VMA VMA Defensive Priority Bill</td>
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</table>
Utility easements; broadband or other communications services.

Declares that it is policy of the Commonwealth that (i) existing or future easements for the location and use of electric facilities be used to provide or expand broadband or other communications services; (ii) such use of such easements is in the public interest; (iii) the use of such easements for the provision of broadband or other communications services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, nor does it place any additional burden on the servient estate; and (iv) the installation and operation of broadband or other communications services within an existing or future electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure also establishes that in the absence of any express prohibition on the installation and operation of broadband services in an existing electric easement, the installation and operation of broadband services within the existing electric easement shall be deemed as a matter of law to be permitted uses within the scope of every easement for the location and use of electricity facilities. The measure also limits the damages that a landowner may be awarded in any trespass action against a public utility or a broadband service provider or any of its employees, agents, officers, attorneys, directors, representatives, or contractors arising from the installation, maintenance, or operation of any utility poles, wires, conduit, or other infrastructure or fiber optic cabling to the lesser of actual damages or $2,000 per tract of land.

Primary Sponsors
Mark Peake
Title
Nuclear energy; strategic plan for overall goal of carbon-free energy.

Description
Nuclear energy; strategic plan. Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy as part of 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.

Primary Sponsors
Steve Newman

Title
Electric utility regulation; definitions, shared solar programs.

Description
Shared solar programs. Requires each investor-owned electric utility to establish a shared solar program that allows customers 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.

Primary Sponsors
Scott Surovell
Title
Public utilities; aggregate energy storage capacity in the Commonwealth.

Description
Public utilities; energy storage capacity in the Commonwealth. Provides that it is the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030. The bill provides that energy storage facilities with an aggregate capacity of 2,700 megawatts are in the public interest and that prior to January 1, 2030, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest. The bill requires that at least 65 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest is from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. The bill provides that such purchases shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such facilities do not exceed 25 percent of the utility’s energy storage capacity. The bill provides that an integrated resource plan (IRP) should include recommended plans for utilizing energy storage facilities to meet forecasted demand and assure adequate and sufficient reliability of service and requires that in preparing an IRP, each electric utility shall systematically evaluate and may propose developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation. Finally, the bill requires the State Corporation Commission, in the annual report required by legislation enacted in the 2018 Session, to assess the aggregate annual new construction and purchase of energy storage facilities.

Primary Sponsors
Scott Surovell
### Bill SB 634
#### Title
Alternative and efficient energies; subsidies and effective clause.

#### Description
Alternative and efficient energies; subsidies and rebates. Creates incentive programs relating to the adoption of alternative and efficient energies. The bill establishes the Energy Efficiency Subsidy Program to fund grants to subsidize residential energy efficiency measures and directs the Department of Taxation to study the possibility of incorporating an electric vehicle rebate into the Program. The provisions of the bill are contingent on funding in a general appropriation act.

#### Primary Sponsors
Scott Surovell

### Bill SB 674
#### Title
Voluntary forest mitigation; agreements.

#### Description
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.

#### Primary Sponsors
Monty Mason
Title
Distributed renewable energy; sale of electricity under third-party sales agreements.

Description
Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) increases from one percent to six percent the systemwide cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customers of investor-owned utilities, (iii) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months’ demand, (iv) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (vi) removes the ability of a Phase I Utility to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.

Primary Sponsors
Jenn McClellan

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

Description
Rate of return for investor-owned electric utilities. Provides that the State Corporation Commission, in determining a fair rate of return on common equity for an investor-owned electric utility after January 1, 2020, shall not set such rate (i) lower than the average of 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 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.

Primary Sponsors
Jenn McClellan
Electric cooperatives; on-bill tariff programs, definitions.

Description
Electric cooperatives; on-bill tariff programs. Authorizes electric cooperatives to establish on-bill tariff programs under which the cooperative and a customer enter into an agreement that provides for the costs, including financing costs, of energy efficiency measures to be paid by or through the cooperative and repaid by the customer by means of an energy savings charge on the customer's monthly bill. Under the bill, energy efficiency measures can include heating and air conditioning systems, water heaters, weatherization, insulation, window and door modifications, appliances, and automatic or Internet-connected control systems.

Primary Sponsors
Dave Marsden

Solar energy projects; revenue share assessment.

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

Primary Sponsors
George Barker

Local tax; exemption for solar energy equipment.

Description
Real estate tax exemption for certified pollution control equipment and facilities. Provides that the tax exemption for certain solar photovoltaic (electric energy) projects shall not be available to projects for which an application has been filed after January 1, 2030. Under current law, the exemption is not available to projects that begin construction after January 1, 2024.

Primary Sponsors
George Barker
Title
Undergrounding electric transmission lines; pilot program.

Description
Undergrounding electric transmission lines; pilot program. Specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed $40 million or, if greater than $40 million, does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. This bill is identical to HB 576.

Primary Sponsors
Dick Saslaw
Title
Utility easements; broadband and other communications services.

Description
Utility easements; location of broadband facilities. Declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement, (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; (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, in cases of a prescriptive easement, such easement is deemed to exist and 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... (click bill link to see more).

Primary Sponsors
Lynwood Lewis
Title
Offshore drilling; prohibition on leases, policy.

Description
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 new infrastructure for conveying to shore oil or gas associated with offshore drilling in the outer continental shelf 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.

Primary Sponsors
Lynwood Lewis

Title
Nuclear energy; considered a clean energy source.

Description
Nuclear energy; considered a clean energy source. Provides that for the purposes of the Commonwealth Energy Policy, in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated, or permitted by the Department of Mines, Minerals and Energy, Department, nuclear energy shall be considered to be a clean energy source.

Primary Sponsors
Lynwood Lewis
Title
Carbon-free energy and clean energy; definition.

Description
Carbon-free energy and clean energy. Provides that "carbon-free energy" or "clean energy", as used in the Code of Virginia, each 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, geothermal or nuclear energy.

Primary Sponsors
Lynwood Lewis

Organizational Notes
Last edited by Brett Vassey at Feb 15, 2020, 12:40 PM
Included nuclear in carbon-free generation class.

Title
Electric energy; customer choice.

Description
Electric energy; customer choice. Provides that all retail customers of electric energy within the Commonwealth will be permitted to purchase electricity from any supplier licensed to sell retail electric energy within the Commonwealth by January 1, 2023. The bill requires, by January 1, 2022, the State Corporation Commission to promulgate all regulations it deems necessary to ensure the orderly transition to a competitive market for electric energy in the Commonwealth.

Primary Sponsors
Chap Petersen

Title
Electric utility regulation; environmental goals.

Description
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 that applies to electric utilities and licensed competitive suppliers. Under the mandatory RPS, utilities and suppliers are required to produce their electricity from 100 percent renewable sources by 2045 for Dominion Energy Virginia and any retail supplier operating in the service territory of Dominion Energy Virginia and by 2050 for American Electric Power and any retail supplier operating in the service territory of American Electric Power. A utility or supplier that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically-disadvantaged communities, energy efficiency measures, and administrative costs.

The measure 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 measure authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The measure requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation to the Virginia Community Flood Preparedness Fund, to the Department of Housing and Community Development for low-income energy efficiency programs, for administrative expenses, and for statewide climate change planning and mitigation activities. The measure 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.

(click bill link to see more).

Primary Sponsors
Jenn McClellan

Organizational Notes
Last edited by Brett Vassey at Feb 15, 2020, 11:47 AM
The Virginia State Corporation Commission estimates that the typical residential electricity bill will increase by 16% (or $23.30 per month) due to this legislation. The SCC also stated that there are at least 9 other costs in the bill that will increase electricity bills but they cannot determine the exact amount. This bill incorporates most of HB1450 but primarily restricts the authority of the State Corporation Commission to determine reasonable and prudent costs in order to protect the electric utility ratepayer; adds restrictions on utility rates of returns on new nuclear and offshore wind; restricts new nuclear development; removes the 16 MW limit on the offshore wind pilot; increases caps on net metering; introduces the use of the social cost of carbon in the evaluation of new projects which undeifiable; bans new fossil fuel generation projects; directs the Air Pollution Control Board to report to the GA by 1/1/21 on how to achieve 100% net carbon free generation by 2045; directs the Air Board to develop a CO2 cap & trade rule that complies with RGGI (presumably state only); directs Dominion Energy to develop 5,200 MWs of offshore wind; directs the Air Board to adopt a regulation to effectively eliminate CO2 from generation by 2045; repeals the Manufacturing and Commercial Competitiveness Retention Credit; increases energy efficiency mandates and costs on industrial companies; forces new social programming and other costs onto customers that are not served by Dominion Energy generation; and repeals authorization for certain third-party power purchase agreements. In addition to costs, the VMA's primary concerns are as follows: 1. Rationale for Legislation & Missing Performance Metrics a. CO2 Measurements – 2020, 2030, 2045 b. Sea Level Rise Measurement – 2020, 2030, 2045 c. Economic Performance – 13,000 jobs 2. Manufacturing & Commercial Competitiveness Retention Credit 3. CO2 Auction Proceeds, Electricity Costs and Reliability 4. Energy Efficiency Industrial Exemption 5. New Fossil Fuel Generation Restrictions 6. Renewable Portfolio Standards 7. Offshore Wind 8. Storage 9. Non-Jurisdictional Customer Cost Liabilities 10. Universal Service Fee 11. Percentage of Income Payment Program and Fund (PIPP) 12. Natural Gas 13. Peer Group: Competitive C&I Rates
Electric utilities; offshore wind development.

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

Primary Sponsors
Monty Mason
### Title
Solar photovoltaic projects; conditional zoning.

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

**Primary Sponsors**
Dave Marsden

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### Title
Electric utility regulation; mandatory clean energy standard program.

### Description
Electric utility regulation; clean energy standard. Replaces the voluntary renewable energy portfolio standard program with a mandatory clean energy standard (CES) program that sets requirements for all investor-owned electric utilities and cooperative electric utilities. The CES program requires 30 percent of the total electric energy sold by each utility in 2030 to be clean energy, which is defined as electricity generated without emitting carbon dioxide or generated by a natural gas-fired facility with 80 percent carbon capture or a coal-fired facility with 90 percent carbon capture. The CES Goals increase incrementally in future years until 2050 and thereafter, by which time 100 percent of the electric energy sold is required to be clean energy. The measure requires a utility that fails to meet a CES Goal to pay a compliance payment. The measure also requires each electric utility (i) to include a clean energy plan in each of its integrated resource plans and (ii) by January 1, 2030, to decommission all of its coal-fired electric generation facilities.

**Primary Sponsors**
Dave Marsden
### Electric utilities; retail competition, renewable energy.

**Description**
Electric utilities; retail competition; renewable energy. Allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy.

**Primary Sponsors**
John Bell

### Income and receipts taxes on public service corporations; authorizing localities.

**Description**
Income and receipts taxes on public service corporations; authorizing localities. Repeals existing state and local gross receipts, revenue, and alternative minimum taxes that currently apply to public service corporations. The bill eliminates the authority of the State Corporation Commission to assess the tax value of real and personal property of public service corporations and eliminates the authority of the Department of Taxation to assess the tax value of real and personal property of railroads and pipeline transmission companies. However, the Department of Taxation would retain such authority with respect to rolling stock.

**Primary Sponsors**
Frank Ruff
Title
Commonwealth Efficient and Resilient Buildings Board; established.

Description
Commonwealth Efficient and Resilient Buildings Board; establishes. Establishes the Commonwealth Efficient and Resilient Buildings Board to advise the Governor, the Virginia Public Building Authority, and all state agencies, departments, authorities, institutions of higher learning, and political subdivisions on accelerating improvements to state buildings to reduce greenhouse gas emissions and improve resiliency. The Board shall be composed of 14 members, including six nonlegislative citizen members to be appointed by the Governor. The Directors of the Departments of General Services, Mines, Minerals and Energy, and Planning and Budget, or their designees; the Secretaries of Education, Finance, and Natural Resources, or their designees; the Special Assistant to the Governor for Coastal Adaptation and Protection; and the Chairman of the Virginia Public Building Authority shall serve ex officio with voting privileges. The bill also requires the head of each state agency to designate a qualified senior employee, known as an energy manager, who shall be responsible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency. The bill has an expiration date of July 1, 2030.

Primary Sponsors
Scott Surovell
Title
Electric utilities; electric school bus projects.

Description
Electric utilities; electric school bus projects. Authorizes Dominion Energy Virginia to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak shaving resources. Under an electric school bus project, Dominion may (i) purchase, own, manage, or control electric school buses, along with associated charging or other infrastructure; (ii) enter into third-party agreements for the purchase, lease, or use of electric school buses, along with associated charging or other infrastructure; (iii) enter into agreements with any the school board of any public school division located in the Commonwealth for joint ownership of or for leasing on commercially competitive terms of electric school buses, along with associated charging or other infrastructure; (iv) provide financial incentives or rebates to any school board to promote or facilitate the purchase and ownership by such public school board of electric school buses, along with associated charging or other infrastructure; and (v) engage in other activities to promote the development and proliferation of electric school bus transportation in the Commonwealth. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

Primary Sponsors
Louise Lucas

Title
Carbon trading program; allocation of allowances, new facility.

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

Primary Sponsors
Lionell Spruill
Title
Offshore wind generation facilities; development of facilities.

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

Primary Sponsors
Louise Lucas
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 also provides that if the Governor seeks to include the Commonwealth as a full participate in the Regional Greenhouse Gas Initiative, the regulations shall require certain purchasers shall 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.

Primary Sponsors
Lynwood Lewis

Organizational Notes
Last edited by Brett Vassey at Feb 9, 2020, 5:02 PM
Requires amendment to provide for natural gas bridge for industrial use and RGGI auction proceeds to be returned to the ratepayer - not redistributed as tax revenue.
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<th>Last Action</th>
<th>Status</th>
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<td>Senate Passed By Indefinitely In Rules By Voice Vote 2020 02 07</td>
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**Title**
Offshore oil & gas drilling; recognizing opposition to exploration & drilling off the coast of Va.

**Description**
Offshore oil and gas drilling. Recognizes opposition to exploration and drilling for oil and gas off the coast of Virginia.

**Primary Sponsors**
Lynwood Lewis

<table>
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<tr>
<th>State</th>
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**Title**
Nuclear energy; advancement of nuclear energy research & exploration of economic opportunities.

**Description**
Nuclear Energy Research and Technology. Encourages the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy.

**Primary Sponsors**
Mark Peake

Environmental (101)
Title

Description
Virginia Alternative Energy and Coastal Protection Act. Directs the Department of Environmental Quality to implement the final carbon trading regulation as approved by the State Air Pollution Control Board in order to establish a carbon dioxide cap and trade program that limits and reduces the total carbon dioxide emissions released by electric generation facilities and that complies with the Regional Greenhouse Gas Initiative model rule. The measure authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The measure requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to assist counties, cities, towns, residents, and businesses affected by recurrent flooding, sea-level rise, and flooding from severe weather events; (ii) to support energy efficiency programs; (iii) to support renewable energy programs; (iv) to provide economic development, education, and workforce training programs for families and businesses in Southwest Virginia for the purpose of revitalizing communities negatively affected by the decline of fossil fuel production; (v) to the Virginia Natural Resources Commitment Fund to fund the Virginia Agricultural Best Management Practices Cost-Share Program and (vi) for administrative expenses. The measure states that development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, or from onshore or offshore wind, to achieve the reduction in carbon dioxide emissions is in the public interest and directs Dominion Virginia Power and Appalachian Power to achieve a minimum of 50 percent of the reduction in carbon dioxide emissions through the development of such utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, or from onshore or offshore wind. The measure provides that any retail customer that purchases electric energy from a supplier other than the incumbent electric utility serving the exclusive service territory in which such retail customer is located shall pay a non-bypassable surcharge. The measure also requires the Department to establish an allowance set-aside for any electric generation facility subject to a cap and trade program that operates according to a long-term contract as of January 1, 2020, that prohibits the recovery of allowance costs. This bill was incorporated into HB 981.

Primary Sponsors
Joe Lindsey

Organizational Notes
Last edited by Brett Vassey at Dec 3, 2019, 9:37 PM
Bill will pass on party line vote. Bill does not conform with final DEQ Air Board RGGI Regulation and requires amendment. RGGI tax proceeds from credit auction must be returned to ratepayers by fuel factor formula. Industrial exemption should be reconsidered.
Title
Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020; established, report.

Description
Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020; report. Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020, which establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support to the Authority, including budgeting, work facilities, administrative management, logistics, human resources, legal, contracts, and information resources. The Joint Legislative Audit and Review Commission (JLARC) shall consult with Louisiana's Legislative Fiscal Office to assess the increased state and local tax flows in Louisiana that resulted from post-Katrina federal spending, including spending for civil works storm and flooding risk reduction projects. The bill requires JLARC to report to the General Assembly no later than November 1, 2020, on the results of its initial assessment.

Primary Sponsors
Joe Lindsey
### Menhaden; VMRC to adopt regulations for managing the Commonwealth's fishery.

**Title**
Menhaden; VMRC to adopt regulations for managing the Commonwealth’s fishery.

**Description**
Management of the menhaden fishery. Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth's menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. This bill was incorporated into HB 1448.

**Primary Sponsors**
Barry Knight

### Stormwater Mgmt. Fund; grants from local Fund may be used for an authorized local credit option.

**Title**
Stormwater Mgmt. Fund; grants from local Fund may be used for an authorized local credit option.

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

**Primary Sponsors**
Mark Cole
Title
Tree conservation ordinance; Chesapeake Bay Preservation Act locality, designated trees.

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

Primary Sponsors
Martha Mugler

Title
Green Job Creation Tax Credit; extends sunset date.

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

Primary Sponsors
Karrie Delaney
### Title
Coal combustion residuals impoundment; closures in Giles and Russell Counties.

### Description
Coal combustion residuals impoundment; Giles and Russell Counties; closure. Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, at the Glen Lyn Plant and the Clinch River Plant in Giles and Russell Counties, respectively, to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse such removed CCR if doing so is anticipated to reduce costs. Such a closure project shall be completed within 15 years of the start of excavation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile or, if such connection is not feasible, to provide water testing for any such residence.

### Primary Sponsors
Jennifer Carroll Foy

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### Title
Menhaden; management of the fishery.

### Description
Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery.

### Primary Sponsors
Nancy Guy
Title
Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials.

Description
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.

Primary Sponsors
Scott Wyatt

Title
Chesapeake Bay Preservation Areas; preservation of mature trees.

Description
Chesapeake Bay Preservation Areas; mature trees. Adds the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas.

Primary Sponsors
Patrick Hope
Title
Trees; DEQ to convene advisory to study planting or preservation, report.

Description
Department of Environmental Quality; tree planting as land cover type, best management practice; stakeholder advisory group. Directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use.

Primary Sponsors
David Bulova

Title
Greenhouse gas emissions; State Air Pollution Control Board to conduct a statewide inventory.

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

Primary Sponsors
Suhas Subramanyam
Title
Expanded polystyrene food service containers; definitions, prohibition on dispensing, civil penalty.

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

Primary Sponsors
Betsy Carr

Organizational Notes
Last edited by Brett Vassey at Feb 25, 2020, 11:00 AM
Bill should be conformed to SB11 that does not ban any legal and regulated product. Food contact products are FDA regulated. New Consumer Choice Coalition formed to involve consumers - https://consumerchoices.org/virginia/take-action-virginia/ Patron rejected compromise, so Consumer Choice Coalition successfully got a “re-enactment clause” inserted into the bill on the Senate floor. The bill now goes to a committee of conference.
Disposable plastic bag; local tax.

Plastic bag fee. Imposes, beginning July 1, 2021, a statewide fee of five cents per bag on disposable plastic bags provided to consumers of tangible personal property, with certain bags being exempt from the fee. Revenues from the fee are collected by the Tax Commissioner and distributed equally into the Virginia Water Quality Improvement Fund and the Litter Control and Recycling Fund. The bill also allows every retailer that collects the fee to retain one cent of the five-cent fee, provided that such retailer discounts are accounted for in the form of a deduction when submitting the tax return and the amount due is paid in a timely manner.

Primary Sponsors
Betsy Carr

Regional water resource planning; State Water Control Board regulations.

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.

Primary Sponsors
Betsy Carr
### Title
State Air Pollution Control Board; implementation of a low emissions vehicle program.

### Description
State Air Pollution Control Board; low-emissions vehicle program. Directs the State Air Pollution Control Board to implement a low-emissions motor vehicle program based on the motor vehicle standards authorized by Section 177 of the Federal Clean Air Act.

**Primary Sponsors**
Mark Keam

### Title
PFOA, PFOS, and PFAS; substances in public drinking water.

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

**Primary Sponsors**
Liz Guzman
Title
State, regional, and local planning; climate change.

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

Primary Sponsors
Rodney Willett

Title
Environmental justice; state agency policy, Virginia Council on Environmental Justice, established.

Description
Environmental justice; agency regulations; working group. States that it is the policy of the Commonwealth to promote environmental justice and ensure it is carried out throughout the Commonwealth.

Primary Sponsors
Mark Keam
Title
State air, waste, and water boards; permit authority, appointment of members.

Description
State air, waste, and water boards; permit authority; appointment of members. Removes the authority to issue, reissue, amend, or modify permits or certificates or to hear permit actions from the Air Pollution Control Board, the Waste Management Board, and the State Water Control Board and places such authority with the Department of Environmental Quality. The bill changes the composition of the three boards from appointment exclusively by the Governor to the following: two members appointed by the Governor; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and three members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. The appointing authority shall appoint members for the unexpired term upon a vacancy other than by expiration of a term.

Primary Sponsors
Mark Keam
Title
Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

Description
Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund, (ii) to the Department of Housing and Community Development for low-income energy efficiency programs, (iii) for administrative expenses, and (iv) for statewide climate change planning and mitigation activities. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent flooding. This bill incorporates HB 20 and HB 1152.

Primary Sponsors
Charniele Herring

Organizational Notes
Last edited by Brett Vassey at Feb 15, 2020, 1:17 PM
RGGI Tax proceeds should be returned to electricity ratepayers. The bill has no CO2 atmospheric measurement reduction goals, no sea level measurement goals and has no utility ratepayer cost protections other than for low-income individuals. The bill also ignores the positive economic AND environmental benefits of clean natural gas as a fuel for energy generation/grid stabilization, home heating, and industrial fuel/raw materials needed to make advanced fibers and light weight materials that reduce energy consumption and improve energy efficiency in homes/building materials, construction, automobiles, household goods and electronics.
Title
Solid waste management facility; permit for landfill with capacity of more than 35 million tons.

Description
Solid waste management facility; permit for landfill with capacity of more than 35 million tons. Prohibits the Virginia Waste Management Board from issuing (i) a permit for a new solid waste management facility or (ii) an amendment to a permit allowing the expansion of a facility or an increase in capacity, where such permit or amendment is likely to result in the creation of a landfill whose capacity exceeds 35 million tons. For the Board to issue such a permit or amendment, the bill requires the Director of the Department of Environmental Quality to determine that the amount of capacity in excess of 35 million tons will serve a public interest that outweighs any additional harms to human health and safety and the environment caused by such capacity in excess of 35 million tons.

Primary Sponsors
Sam Rasoul

Title
Environmental Justice, Virginia Council on; established.

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

Primary Sponsors
Charniele Herring

Organizational Notes
Last edited by Brett Vassey at Jan 20, 2020, 4:22 PM
§ 2.2-2699.10. Membership; terms; quorum; meetings. A. The Council shall have a total membership of 24 members that shall consist of 18 nonlegislative citizen members and six ex officio members. Nonlegislative citizen members shall be appointed by the Governor. The Secretaries of Natural Resources, Commerce and Trade, Agriculture and Forestry, Health and Human Resources, Education, and Transportation or their designees, including their agency representatives, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.
<table>
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<tbody>
<tr>
<td>Description</td>
<td>Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill, beginning January 1, 2021. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of “food vendor” and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of $50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The bill directs the penalties collected to the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. Finally, the bill directs the Department of Environmental Quality to post on its website information on compliance and the filing of complaints. This bill was incorporated into HB 533.</td>
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<td>Primary Sponsors</td>
<td>Paul Krizek</td>
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<th>Title</th>
<th>Discharge of deleterious substance into state waters; notice to State Water Control Board.</th>
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<tbody>
<tr>
<td>Description</td>
<td>Discharge of deleterious substance into state waters; notice. Requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board. Current law requires written notice to be given only to the Director of the Department of Environmental Quality. The bill also requires the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. This bill was incorporated into HB 1205.</td>
</tr>
<tr>
<td>Primary Sponsors</td>
<td>Alfonso Lopez</td>
</tr>
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### Title
Hazardous Waste Site Inventory; DEQ to publish, update annually.

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

### Primary Sponsors
Alfonso Lopez

### Organizational Notes
Last edited by Brett Vassey at Jan 17, 2020, 12:00 PM
The patron has agreed to an amendment in the nature of a substitute that the VMA will not oppose. The bill will be converted into a DEQ report.
A. The Department shall compile and maintain a Hazardous Waste Site Inventory (the Inventory), comprising a current listing of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste, as defined in § 10.1-1400 and not otherwise excluded from regulation as hazardous waste, has occurred. The Inventory shall contain specific information about each listed site, including (i) the location of the site, (ii) the nature and known characteristics of the wastes disposed of at the site, and (iii) the status of any remedial or corrective action undertaken or planned for the site. However, the department shall only disclose information not otherwise subject to an existing Freedom of Information Act (FOIA) exemption. B. The Department shall publish the Inventory by July 1, 2021, update it at least annually thereafter, and post it on the Department's website.

### Title
Plastic bag tax; use of revenues.

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

### Primary Sponsors
Alfonso Lopez
Title
Carbon dioxide cap and trade program; establishes program, etc.

Description
Regional Greenhouse Gas Initiative; Energy Efficiency Fund. Directs the Department of Environmental Quality (DEQ) to implement the final carbon trading regulation as approved by the Air Pollution Control Board providing for the establishment of a carbon dioxide cap and trade program. The measure directs the Commonwealth to become a member of the Regional Greenhouse Gas Initiative (RGGI). Pursuant to the Commonwealth's participation in the RGGI program, the Department shall seek to sell 100 percent of all allowances issued each year through the allowance auction. The measure authorizes the Director of the DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program. The measure establishes the Energy Efficiency Fund and requires that all proceeds received from the sale of allowances conducted through the RGGI program be paid into the state treasury and credited to the Fund. Not less than 50 percent of the proceeds received from the sale of allowances shall be credited to an account to support energy efficiency programs, with at least 20 percent of the proceeds being directed to low-income energy efficiency programs. Not more than three percent of the proceeds shall be used to cover reasonable administrative expenses. The remaining funds will revert to the general fund. This bill was incorporated into HB 981.

Primary Sponsors
Alfonso Lopez

Labels: Greenhouse Gas, VMA Defensive Priority Bill
Title
Environmental Quality, Department of; policy statement.

Description
Department of Environmental Quality; policy statement. Adds provisions for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, 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.

Primary Sponsors
Alfonso Lopez

Title
Regional electric utility programs; participation by Commonwealth.

Description
Regional electric utility or transportation sector emissions programs; participation by Commonwealth. Prohibits the Governor or any state agency or political subdivision from adopting any regulation, rule, or guidance document that establishes or authorizes the Commonwealth to join or participate in a regional program addressing emissions from the electric utility sector or transportation sector unless the program requires that all of the proceeds from the sale of emissions allowances be returned to customers in the Commonwealth.

Primary Sponsors
Charlie Poindexter
Title
Certified pollution control equipment and facilities; tax exemption, timing of certification.

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

Primary Sponsors
Alfonso Lopez

Title
Disposal of solid waste fees; Russell County.

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

Primary Sponsors
William Wampler
Title
Land used for agricultural purposes; throwing or depositing certain materials or substances.

Description
Throwing or depositing certain materials or substances on land used for agricultural purposes; penalty. Makes it a Class 1 misdemeanor for any person to throw or deposit or cause to be deposited upon any land used for agricultural purposes any glass bottle, glass, nail, tack, wire, or can, or any other material or substance, that causes property damage of $200 or more to any machinery or motor vehicle being used in an agricultural operation on such land.

Primary Sponsors
Charlie Poindexter

Title
Hazardous Substance Aboveground Storage Tank Fund; created.

Description
Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Primary Sponsors
Alfonso Lopez

Organizational Notes
Last edited by Brett Vassey at Feb 9, 2020, 9:34 PM
Subcommittee questioned this bill’s assignment to it. Bill identical to Senate Bill (Sen Surovell).
Title
Discharge deleterious substance in state waters; notice to citizens if detrimental to public health.

Description
Discharge of deleterious substance into state waters; notice. Requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health, local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists within 12 hours of receipt of the information, unless DEQ makes an initial determination that the discharge will have a de minimis impact on state waters. Current law only requires certain of these disclosures and only when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the State Water Control Board determines that the discharge may impair state waters. The bill also requires the Department of Environmental Quality, if the Virginia Department of Health determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within 12 hours of receipt of such determination. This bill incorporates HB 1128.

Primary Sponsors
Kathy Tran

Organizational Notes
Last edited by Brett Vassey at Feb 22, 2020, 11:08 AM
Senate substitute neutralizes the economic impact and reverses the House mandates and reduced notice time period.

Title
Drinking water supplies; maximum contaminant levels, effective date.

Description
Drinking water supplies; maximum contaminant levels. Directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) PFOS, PFOA, and other PFAS compounds, as deemed necessarily; (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.

Primary Sponsors
Sam Rasoul
Chief Resilience Officer; Governor to designate.

Chief Resilience Officer. Directs the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill directs the Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and 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. The bill also expands the list of programs with which localities and the Commonwealth are required to coordinate as part of their flood control efforts.

Primary Sponsors
Keith Hodges

Chief Resiliency Officer; Secretary of Public Safety and Homeland Security to designate.

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

Primary Sponsors
Keith Hodges
Expanded polystyrene food service containers; 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 certain institutions, including correctional facilities and public schools, from the definition of “food vendor” and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of $50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints.

This bill was incorporated into HB 533.

Primary Sponsors
Ken Plum
### Title
Resource Protection Areas; improvement plans.

### Description
Resource Protection Areas; improvement plans. Directs the State Water Control Board, in promulgating regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas, to provide that any owner of land in a Resource Protection Area may improve such area using native plants and mixtures of organic material. The bill requires that such criteria provide that prior to implementation of such improvement, a landowner obtain a water quality impact assessment and an improvement plan with a professional stamp from a qualified landscape architect, engineer, or other relevant professional. The bill also directs the Board to approve any improvement project that has a net positive benefit to water quality.

### Primary Sponsors
Keith Hodges

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### Title
Flood Resiliency Clearing House Program; developed by Department of Conservation and Recreation.

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

### Primary Sponsors
Keith Hodges
**Title**
Living shorelines; resiliency.

**Description**
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.

**Primary Sponsors**
Keith Hodges

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**Title**
Nutrient credit trading; adjacent hydrologic unit code.

**Description**
Nutrient credit trading; adjacent hydrologic unit code. Removes authority for a Virginia Stormwater Management Program or Virginia Erosion and Stormwater Management Program to allow compliance with stormwater nonpoint nutrient runoff water quality criteria through the applicant's acquisition of nutrient credits in the same tributary in an adjacent hydrologic unit code (HUC) or fourth order subbasin unless certain existing criteria for purchasing credits outside of the HUC or fourth order subbasin are met, when the credits are in a locality with a population fewer than 20,000 and geographic area under 200 square miles.

**Primary Sponsors**
Dave LaRock
Title
Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland.

Description
Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion. Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by (i) the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans, (ii) the installation of a sufficient number of livestock stream exclusion practices, or (iii) a combination of other agricultural best management conservation 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.

Primary Sponsors
Ken Plum
**Title**
Erosion and sediment control, stormwater, and Chesapeake Bay; consolidation of preservation laws.

**Description**
Department of Environmental Quality; consolidation of erosion and sediment control, stormwater, and Chesapeake Bay preservation laws. Directs the Department of Environmental Quality to study the statutory and regulatory changes necessary to fully integrate and consolidate (i) the Erosion and Sediment Control Law, (ii) the Stormwater Management Act, and (iii) the Chesapeake Bay Preservation Act. The Department shall report the results of its study by December 1, 2020.

**Primary Sponsors**
Steve Heretick

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**Title**
Water protection permits; administrative withdrawal of application.

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

**Primary Sponsors**
Kat Murphy
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**Title**
Restrict nutrient credit usage; local authority.

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

**Primary Sponsors**
Wendy Gooditis

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**Title**
Fertilizer contractor-applicator; application pursuant to nutrient management plan.

**Description**
Fertilizer contractor-applicator; application pursuant to nutrient management plan. Prohibits the application by a fertilizer contractor-applicator, beginning July 1, 2026, of any regulated product to a farm operation larger than 50 acres unless such application is conducted pursuant to a nutrient management plan. “Regulated product,” for purposes of this bill, includes fertilizer, specialty fertilizer, soil amendment, and horticultural growing medium.

**Primary Sponsors**
Martha Mugler
**Title**
Nutrient credit use; regulated entities, use of point source nitrogen credits, etc.

**Description**
Nutrient credit use; land-disturbing activity by wastewater utility. Provides that when a publicly owned wastewater treatment works conducts land-disturbing activities in order to construct or expand a facility, it may comply with the water quality requirements associated with such land-disturbing activities by generating and using point source nutrient credits, point source phosphorus credits, and sediment credits through the operation of its existing treatment facilities. The bill requires the treatment works to notify the Department of Environmental Quality of its plan, to adopt a ratio of 10 point source nitrogen credits for each point source phosphorus credit used, and to classify the credits as permanent using a means acceptable to the Department. The bill limits to 10 pounds per year the application of point source phosphorus credits to a single project other than a water reclamation and reuse project.

**Primary Sponsors**
Martha Mugler

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**Title**
Trees; conservation during land development process.

**Description**
Conservation of trees during land development process. Authorizes any locality to adopt an ordinance providing for either the conservation of or the planting and replacement of trees during the land development process. Currently, only a locality within Planning District 8 with a population density of 75 persons per square mile and which is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, in effect as of July 1, 2008, may adopt such an ordinance for the conservation of trees.

**Primary Sponsors**
Joshua Cole
## Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth

**Description**
Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth. Prohibits the Governor or any state agency from adopting any regulation establishing a carbon dioxide cap-and-trade program or bringing about the participation by the Commonwealth in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate in such a cap-and-trade program if the House of Delegates and the Senate of Virginia each adopt a resolution by a majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

**Primary Sponsors**
Charlie Poindexter

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## Regional transportation sector emissions programs; participation by Commonwealth

**Description**
Regional transportation sector emissions programs; participation by Commonwealth. Prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

**Primary Sponsors**
Charlie Poindexter

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### Title
Coal ash ponds; definitions, drinking water well testing near ponds, resident notification.

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

### Primary Sponsors
Hala Ayala

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### Title
Coal ash ponds; well monitoring program, drinking water well testing near ponds.

### Description
Coal ash ponds; well monitoring program; drinking water well testing. Requires each utility, defined in the bill as the owner or operator of a coal ash pond, to commission an independent well water test on behalf of the owner of any well located within 1.5 miles of such coal ash pond by January 1, 2021, and requires such test to be conducted once per year during each of the five years following the approval of the closure of the coal ash pond and once every five years thereafter. The bill provides that if any test exceeds groundwater quality standards for constituents associated with coal ash, the Virginia Waste Management Board shall instruct the utility to provide alternative water supplies to the owner of the well. The bill requires the Department of Environmental Quality to consider the results of the tests in its permitting, monitoring, or enforcement proceedings.

### Primary Sponsors
Hala Ayala
### Menhaden: Adjusts the Annual Total Allowable Landings

**Title**
Menhaden; adjusts the annual total allowable landings.

**Description**
Menhaden; total landings. Adjusts the annual total allowable landings for menhaden downward from 168,937.75 metric tons to 168,213.16 metric tons and provides that any portion of the coast-wide total allowable catch that is relinquished by a state that is a member of the Atlantic States Marine Fisheries Commission (the Commission) shall be redistributed to Virginia and other states according to the Commission’s allocation guidelines. The bill adjusts the annual harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay downward from 87,216 metric tons to 51,000 metric tons. The bill also removes a provision that applies the amount by which certain actual Chesapeake Bay harvests fall below the harvest cap as a credit to the following year.

**Primary Sponsors**
Rob Bloxom

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### Plastic Bag Tax; Use of Revenues

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

**Description**
Plastic bag tax; use of revenues. Allows localities to impose a five-cent ($0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores in the Commonwealth. The bill also (i) requires every retailer to provide recycling receptacles at its place of business for such disposable plastic bags and (ii) allows every retailer that collects the tax to retain one cent ($0.01) of every five cents ($0.05) collected. The tax is to be administered in the same manner as the retail sales and use tax, and all revenues from the tax shall be deposited in equal sums into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. The bill was incorporated into HB 1151.

**Primary Sponsors**
Lee Ware
Title
Eastern Virginia Groundwater Management Area; provisional surface water withdrawal permit.

Description
Eastern Virginia Groundwater Management Area; provisional surface water withdrawal permit. Authorizes the State Water Control Board to issue a provisional surface water withdrawal permit within the Eastern Virginia Groundwater Management Area to an applicant that has not identified an end user for the water. Such permit shall not allow the withdrawal of water until an end user has been identified and the permittee has provided a report containing information on the need for and proposed use of the surface water, a description of the raw water intake, and other information. The bill provides that once the Department of Environmental Quality approves the report, the permittee shall request a permit modification. Finally, the bill provides that no potential withdrawal amount of any provisional permit shall be used in the calculation of available water when assessing a subsequent surface water withdrawal application in the affected stream reach if the provisional permit has not been modified to reflect an end user, the Department and the subsequent applicant have found the provisional withdrawal to be inappropriate, and the provisional permit holder has failed to state that an end user will be secured within 12 months.

Primary Sponsors
Keith Hodges

Title
Pesticides; prohibits the manufacture, distribution, etc., for use of chlorpyrifos.

Description
Prohibited pesticides; chlorpyrifos. Prohibits the manufacture, distribution, sale, offer for sale, use, or offer for use of any pesticide containing chlorpyrifos, defined in the bill, as an active ingredient. The bill requires the Virginia Department of Agriculture and Consumer Services to seize any such pesticide in lieu of any other penalty imposed under current law for a violation of Chapter 39 (Pesticide Control) of Title 3.2.

Primary Sponsors
Kaye Kory
### Title
Food packaging; PFAS chemicals, penalty.

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

### Primary Sponsors
Sally Hudson

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

### Description
Study; Office of Drinking Water; Commonwealth's drinking water infrastructure and oversight of the drinking water program; report. 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.

### Primary Sponsors
Alfonso Lopez
Title
Waste Diversion and Recycling Task Force; DEQ to establish.

Description
Study; Department of Environmental Quality; Waste Diversion and Recycling Task Force; report. Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to study ways to increase waste diversion and recycling. The resolution requests that the Department work with stakeholders to develop recommendations to reduce waste at the source such as composting and recycling of organic material. It also requests that the Department study potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants. The Department shall (i) study methods of improving recycling, reducing waste, and diverting waste from landfills, (ii) develop recommendations to reduce waste at the source, such as composting and recycling of organic material, and (iii) consider whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material.

Primary Sponsors
Wendy Gooditis

Title
Disposable plastic bags; local taxation per bag in Planning District 8 when provided to consumers.

Description
Local disposable paper and plastic bag tax. Authorizes any locality to impose a tax of five cents per bag on disposable paper bags or 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 one cent of the five-cent tax.

Primary Sponsors
Adam Ebbin
Title
Plastic bags; tax in the Chesapeake Bay Watershed.

Description
Plastic bag tax in the Chesapeake Bay Watershed. Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of every five cents collected.

Primary Sponsors
Chap Petersen

Title
Hydraulic fracturing; groundwater management area; prohibition.

Description
Hydraulic fracturing; groundwater management area; prohibition. Prohibits hydraulic fracturing, as defined in the bill, in certain groundwater management areas.

Primary Sponsors
Scott Surovell
Title
Menhaden; VMRC to adopt regulations for managing the Commonwealth’s fishery.

Description
Management of the menhaden fishery. Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission’s Interstate Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth’s menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. This bill was incorporated into SB 791.

Primary Sponsors
Bill DeSteph

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State: VA  
Bill Number: SB 158  
Last Action: Senate Passed By Indefinitely In Agriculture Conservation And Natural Resources 14 Y 0 N 2020 02 04  
Status: Failed  
Position: Oppose  
Priority: Medium

Title
Menhaden fishing; prohibited in Chesapeake Bay.

Description
Menhaden fishing in Chesapeake Bay prohibited. Prohibits catching menhaden with purse nets in the territorial waters of the Commonwealth lying west or within three miles of the Chesapeake Bay Bridge-Tunnel.

Primary Sponsors
Bill DeSteph
Title
Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees.

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

Primary Sponsors
Mamie Locke

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

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

Primary Sponsors
Barbara Favola
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**Title**
Menhaden; VMRC to adopt regulations for managing the Commonwealth’s fishery.

**Description**
Management of the menhaden fishery. Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth's menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. This bill was incorporated into SB 791.

**Primary Sponsors**
John Cosgrove

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

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

**Primary Sponsors**
Mamie Locke
### Title
Menhaden; harvest after closure of fishery, penalty.

### Description
Harvest of menhaden after closure of fishery; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for harvesting menhaden for bait or reduction purposes after the portion of the total allowable landings for the sector in which that person holds a license has been closed.

### Primary Sponsors
Bill DeSteph

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### Title
Disposal of solid waste fees; Russell County.

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

### Primary Sponsors
Ben Chafin
Title
Menhaden; management of fishery.

Description
Management of the menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden and requires that any moratorium on the fishery be subject to legislative review. This bill was incorporated into SB 791.

Primary Sponsors
John Cosgrove

Title
Coastal areas; study on economic consequences of weather-related events.

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

Primary Sponsors
John Cosgrove
Title
Menhaden fishery; allowable harvest, violation.

Description
Menhaden fishery; allowable harvest; violation. Directs the Virginia Marine Resources Commission (VMRC) to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill directs the Commissioner of VMRC (the Commissioner) to annually set total allowable landings for menhaden in accordance with the Virginia allocation of the total allowable catch as determined by the Atlantic States Marine Fisheries Commission. The bill also directs the Commissioner to revoke the license of any person who violates their allowable harvest limit. The bill contains technical amendments. This bill was incorporated into SB 791.

Primary Sponsors
Ghazala Hashmi

Title
Virginia Environmental Justice Act; definitions, policy regarding environmental justice.

Description
Virginia Environmental Justice Act; definitions, responsibilities of state agencies. Requires state agencies to determine the likely effect of their actions on environmental justice and fenceline communities and to tailor those actions to reduce the potential for adverse impacts on such communities in a manner consistent with the environmental justice policy created by the agency. The bill also creates an interagency work group for the purpose of furthering environmental justice in the Commonwealth.

Primary Sponsors
Ghazala Hashmi
Title
Landfills, large; local impact.

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

Primary Sponsors
Ghazala Hashmi

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

Description
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.

Primary Sponsors
Emmett Hanger
Title
Gasification facilities and pyrolysis facilities; economic development incentives.

Description
Economic development incentives for gasification facilities and pyrolysis facilities. The bill provides that gasification facilities and pyrolysis facilities, defined in the bill, shall be eligible for grants from the Commonwealth's Development Opportunity Fund under the minimum investment and job creation criteria for grants from the Fund, which under current law are a $1.5 million investment and 15 new jobs.

Primary Sponsors
Emmett Hanger
Hazardous Substance Aboveground Storage Tank Fund; created.

Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Primary Sponsors
Scott Surovell

Organizational Notes
Last edited by Brett Vassey at Feb 4, 2020, 1:18 PM
VMA business coalition provided patrons with a substitute focused on extremely hazardous and priority pollutants in tanks 25,000+ gallons whereby DEQ will form a working group to identify visual inspection and risk-based standards and operator training standards for regulating tanks. DEQ is tasked with “harmonizing” existing tank registration and overlapping regulations. Immediately, regulations will be promulgated to require discharge response plans to notify downstream water suppliers and emergency response agencies.
Nonagricultural irrigation wells; prohibited outside surficial aquifer.

Description
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.

Primary Sponsors
Monty Mason
Title
Eastern Virginia Groundwater Management Advisory Committee; established, report, sunset provision.

Description
Eastern Virginia Groundwater Management Advisory Committee established. Requires the Department of Environmental Quality to reestablish the Eastern Virginia Groundwater Management Advisory Committee, which expired on January 1, 2018, to assist the Department and the State Water Commission in the management of groundwater in the Eastern Virginia Groundwater Management Area.

Primary Sponsors
Monty Mason

Title
Certified pollution control equipment and facilities; tax exemption, timing of certification.

Description
Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. This bill is identical to HB 1173.

Primary Sponsors
Monty Mason
### Title
Marine Resources Commission; permit fees, pier application, oyster fund.

### Description
Marine Resources Commission permit fees; pier application; oyster fund. Requires the submission of an application to the Marine Resources Commission for review and processing prior to the construction of a private pier by an owner of riparian land. The bill creates a nonrefundable processing fee of $100 to accompany each such application and each application submitted to the Commission for a permit to use state-owned submerged lands. The bill increases permit fees for the use of such bottomlands from $25 to $100 for projects costing no more than $10,000 and from $100 to $300 for projects costing more than $10,000 but, under the bill, no more than $500,000 and imposes a fee of $600 for a new category of projects costing more than $500,000. The bill increases the range of royalties for the removal of bottom material from $0.20-$0.60 per cubic yard to $0.40-$0.80. The bill authorizes the Commission to increase or decrease fees every three years for certain marine habitat applications, permits, leases, rents, and royalties at a rate no greater than the change in the Consumer Price Index. Finally, the bill establishes the Oyster Leasing, Conservation, and Repletion Programs Fund for the purpose of administering the Commission's oyster ground leasing program and its oyster conservation and repletion program. The provisions of the bill are contingent on funding in a general appropriation act.

### Primary Sponsors
Monty Mason

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### Title
Environmental proceedings; findings of fact.

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

### Primary Sponsors
Bryce Reeves
Title
Wetlands protection; living shorelines.

Description
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 where the best available science shows that such approaches are feasible. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Lynwood Lewis

Title
Sixth grade science curriculum; DOE & DEQ to update.

Description
Department of Education and Department of Environmental Quality; sixth grade science curriculum. Directs the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

Primary Sponsors
Lynwood Lewis
Title
Carbon market participation; submerged aquatic vegetation.

Description
Department of Environmental Quality; carbon market participation.
Authorizes the Department of Environmental Quality to participate in any carbon market for which submerged aquatic vegetation restoration qualifies as an activity that generates carbon offset credits and to enter into agreements necessary to effect such participation, including with private entities for assistance with registration and sale of offset credits. The bill requires any revenue resulting from the sale of such credits to be used to implement additional submerged aquatic vegetation monitoring, restoration, and research or to cover any administrative costs of participation in the credit market. The bill also requires the Department to hold exclusive title to credits until sold.

Primary Sponsors
Lynwood Lewis
Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax. Advances from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials and makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill. The bill increases the dollar value of the credit from 20 percent to 100 percent of the purchase price of such equipment, eliminates the requirement that a taxpayer may only claim up to 40 percent of his tax liability in credit per year, and makes the credit refundable and transferable for credits issued starting in taxable year 2020. This bill was incorporated into SB 590.

Primary Sponsors
Lynwood Lewis

Organizational Notes
Last edited by Brett Vassey at Jan 23, 2020, 11:07 AM
1. Bill reforms and extends the recyclable materials processing equipment tax credit. It sunsets this year and JLARC recommended it for attention. It is important to MFG recycling. 2. Bill creates an incentive system for Advanced Recycling businesses in order to attract them to build in Virginia. 3. Bill creates a definition for Advanced Recycling businesses so that they are not treated as waste operators, but as manufacturers. a. VMA is helping to recruit one to Virginia – New Hope Industries, Lubbock, TX. Visited in September 2019 and keynote speaker at industries premiere environment conference. b. Pyrolysis factories generate limited to no emissions because there is no combustion. They can return 23 tons of plastics that would otherwise get landfilled to green fuel or reusable plastics c. VMA has endorsed a “Circular Economy Goal for Plastics” whereby 100% of plastics packaging is re-used, recycled or recovered by 2040. This is part of a national organizational goal by all plastics and chemical companies.
Title
Menhaden; management of the fishery.

Description
Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill requires that the Commission only adopt regulations for the management of menhaden between October 1 and December 31 unless regulatory action is necessary to address an emergency situation or to ensure compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden, and subjects any regulation for the management of Atlantic menhaden to judicial review. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. This bill incorporates SB 157, SB 194, SB 357, SB 402, and SB 1054.

Primary Sponsors
Lynwood Lewis
Environmental Justice, Virginia Council on; established, membership.

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

Primary Sponsors
Mamie Locke

Organizational Notes
Last edited by Brett Vassey at Jan 20, 2020, 4:14 PM
Add VMA or its designee to the appointments. § 2.2-2699.10. Membership; terms; quorum; meetings. A. The Council shall have a total membership of 24 members that shall consist of 18 nonlegislative citizen members and six ex officio members. Nonlegislative citizen members shall be appointed by the Governor. The Secretaries of Natural Resources, Commerce and Trade, Agriculture and Forestry, Health and Human Resources, Education, and Transportation or their designees, including their agency representatives, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.

Carbon trading program; allocation of allowances, new facility.

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

Primary Sponsors
Lionell Spruill
Title
Wildlife Corridor Action Plan; created.

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

Primary Sponsors
Dave Marsden

Title
Menhaden; management of fishery.

Description
Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several provisions relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. The bill also provides that for the 2020 harvest season, the total allowable landings for menhaden shall be 168,213.16 metric tons, and the annual menhaden harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay shall be 51,000 metric tons. This bill was incorporated into SB 791.

Primary Sponsors
Richard Stuart
Title
Environmental Quality, Department of; public comment.

Description
Department of Environmental Quality; public notification. Requires that the Department of Environmental Quality, prior to promulgating regulations or issuing a permit, publish in any affected locality information about how to request a public hearing and where to obtain information about the proposed action. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Jenn McClellan

Organizational Notes
Last edited by Brett Vassey at Feb 25, 2020, 10:31 AM
The bill establishes grounds for appeal when DEQ fails to identify and provide special notice to all "educational, religious, cultural, and recreational institution(s)" in the affected locality. Failure to properly notify parties is grounds for appeal which could reset the permit process. The code section was originally created to have DEQ provide notice to local officials. DEQ estimates the bill will require 9 FTEs and a $1.3 million budget increase to identify and then mail notice to all of the listed "institution" types. This legislation has revealed itself to be a tool for project opponents to attack and delay projects which will drive up costs. A substitute has been distributed that requires the bill to apply only to utilities and notice to public officials, schools and libraries.

Title
Surface mineral mines; authorizes a locality to regulate certain aspects.

Description
Surface mineral mines; local authority. Authorizes a locality to regulate certain aspects of surface mineral mines including (i) creating a reasonable buffer zone around any blasting area of any surface mineral mine adjacent to or within a reasonable distance of a school, park, or other public gathering space; (ii) approving the plan of operation and the bond requirements for a surface mining operation permit; and (iii) requiring a reasonable decrease in the approved height of a mine refuse pile, provided such decrease will not affect its safety or structural integrity.

Primary Sponsors
Jill Vogel
Title
Waste Diversion and Recycling Task Force; DEQ to establish.

Description
Study; Department of Environmental Quality; Waste Diversion and Recycling Task Force; report. Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to study ways to increase waste diversion and recycling. The resolution requests that the Task Force work with stakeholders to (i) study methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) develop recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) consider whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the Task Force study potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants.

Primary Sponsors
Emmett Hanger

Organizational Notes
Last edited by Brett Vassey at Feb 27, 2020, 10:18 AM
The VMA and Virginia Chemistry Council request your support for SJ42. This is an important part of our industry's 2040 plastic packaging "circular economy goals" (see article here - https://www.richmond.com/opinion/columnists/brett-vassey-column-revolutionizing-reduce-reuse-recycle/article_1e445350-a6e3-56aa-8517-73c6ded727d0.html). SJ 42 will establish a DEQ Waste Diversion and Recycling Task Force to study ways to increase waste diversion and recycling and 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. In 2018, SB218 required DEQ to complete a study of the recycling rates and make recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use. The study revealed that there is much more work to do. One item of particular note is that 41.3% of the Litter Control & Recycling Funds are used for local payroll, 33.5% are used for “essential supplies,” and 24.4% go to contractual services – there are inadequate investments into recycling infrastructure (DEQ, Litter & Recycling Grant Program...Summary Report, 2019).
Title
Virginia Public Procurement Act; proposals to public higher educational institutions, disclosure.

Description
Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty. Requires every offeror who submits a proposal to a public institution of higher education for any construction project that (i) has a total cost of $5 million or more and (ii) uses a procurement method other than competitive sealed bidding to disclose any contributions the offeror has made within the previous five-year period to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. The bill imposes a $500 civil penalty on any offeror that knowingly fails to submit the required disclosure.

Primary Sponsors
Buddy Fowler
Title
Marijuana; legalization of simple possession, penalties.

Description
Marijuana; legalization of simple marijuana possession; penalties. Eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than $100 for possession of (i) two and one-half ounces or less of marijuana or (ii) 12 or fewer marijuana plants and a civil penalty of no more than $500 for possession of more than (a) two and one-half ounces of marijuana or (b) 12 marijuana plants. Under current law, a first offense is punishable by a maximum fine of $500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana secure transporters, marijuana testing facilities, retail marijuana stores, and marijuana microbusinesses by the Board of Agriculture and Consumer Services. The bill imposes an additional tax of 10 percent on retail marijuana and retail marijuana products sold by retail marijuana stores and microbusinesses and directs the first $20 million of such revenues, after expenses of the Board are paid, to the Veterans Treatment Fund, established in the bill. The remaining tax receipts will be distributed to the localities in which the businesses operate, toward the state's share of Standards of Quality basic aid payments, and to the Commonwealth Mass Transit Fund. The bill also expands the legal medical uses of marijuana and tetrahydrocannabinol from only cancer and glaucoma to any use to alleviate the symptoms of any diagnosed condition or disease determined by the prescribing doctor to benefit from the use of such substance.

Primary Sponsors
Lee Carter
### Hearing notice by localities;
timely notice related to planning or zoning matter to newspaper, etc.

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

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

**Primary Sponsors**  
Barry Knight

### Marijuana; decriminalization of simple marijuana possession, civil penalty.

**Title**  
Marijuana; decriminalization of simple marijuana possession, civil penalty.

**Description**  
Marijuana; decriminalization of simple marijuana possession; penalty. Decriminalizes marijuana possession and provides a civil penalty of no more than $25. Under current law, a first offense is punishable by a maximum fine of $500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases from a Class 5 felony to a Class 6 felony the penalty for distribution or possession with intent to sell more than one-half ounce but not more than five pounds of marijuana. This bill was incorporated into HB 972.

**Primary Sponsors**  
Steve Heretick
Marijuana; legalization of simple marijuana possession, penalty.

Eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than $50 for a first violation, $100 for a second violation, and $250 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of $500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education.

Primary Sponsors
Steve Heretick
Marijuana; decriminalization of simple possession, penalty.

Marijuana; decriminalization of simple marijuana possession. Decriminalizes simple marijuana possession and provides a civil penalty, payable to the Literary Fund, of no more than $100 for a first violation, $250 for a second violation, and $500 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of $500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to sell, give, or distribute marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from the sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount. This bill was incorporated into HB 972.

Mark Levine

Commonwealth’s medical cannabis program; SHHR to convene work group to review & make recommendation.

Tetrahydrocannabinol products; permits to process and dispense cannabidiol oil and THC-A oil. Directs the Secretary of Health and Human Resources to convene a work group to review the Commonwealth’s medical cannabis program and issues of critical importance to the medical cannabis industry and patients, including expansion of the medical cannabis program and the medical use of cannabis flowers, and to report its findings and recommendations, including any legislative recommendations, to the Governor, the Attorney General, and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than October 1, 2020.

Glenn Davis
Title
Manufacture, import, sale, transfer, or possession of undetectable firearms; penalty.

Description
Manufacture, import, sale, transfer, or possession of undetectable firearms; penalty. Creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms.

Primary Sponsors
Marcus Simon

Title
Relocation of call centers to a foreign country; notification requirements.

Description
Relocation of call centers to a foreign country; notification requirements. Requires certain call centers that intend to relocate operations from the Commonwealth to a foreign country to give the Commissioner of Labor and Industry at least 120 days’ prior notice. The measure requires the Commissioner to compile a semiannual list of all employers that relocate a call center from the Commonwealth to a foreign country and to distribute the list to state agencies. Subject to exceptions, an employer that appears on the list is (i) ineligible for five years for any direct or indirect grants of state funds, any loans from or guaranteed by the state, or any tax credit or reduction in tax liability and (ii) required to repay any financial incentives the employer has previously received. The measure requires new state agency contracts for the performance of state business-related call center and customer service work to provide that such work will be performed entirely within the Commonwealth.

Primary Sponsors
Steve Heretick
Title
Light units; candlepower to lumens.

Description
Light units; candlepower to lumens. States the limits on brightness for certain lights in vehicles in lumens. Current law provides such restrictions in candlepower only.

Primary Sponsors
Roxann Robinson

Title
Industrial hemp; VDACS to convene work group to assess opportunities for development of industry.

Description
Department of Agriculture and Consumer Services; industrial hemp industry working group; report. Directs the Department of Agriculture and Consumer Services to convene a working group to assess the opportunities for development and manufacturing in the industrial hemp industry. The Department shall report the analysis of the working group by November 30, 2020, to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

Primary Sponsors
Danny Marshall
Title
Product safety; liquid containers containing bisphenol A prohibited, civil penalty.

Description
Product safety; liquid container containing bisphenol A; fund; civil penalty. Prohibits the manufacture, sale, or distribution in the Commonwealth, beginning July 1, 2023, of any container intended for the storage of liquid food or beverages that contains the industrial chemical bisphenol A (BPA). The bill imposes certain requirements on any substitute chemical used by a manufacturer in place of BPA. The bill subjects any manufacturer in the Commonwealth that violates any provision of the bill to a civil penalty of $5,000 for a first offense or $10,000 for a second or subsequent offense, and it directs the funds collected to the Virginia Product Safety Fund, created by the bill. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations to carry out its provisions.

Primary Sponsors
Ibraheem Samirah

Title
Prescription Drug Affordability Board and Office, etc.; established.

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

Primary Sponsors
Shelly Simonds
**Title**  
Administrative Process Act; regulations, public notice and economic impact.

**Description**  
Administrative Process Act; regulations; public notice and economic impact; prohibition on certain regulations. Requires that an agency prepare a detailed notice of intended regulatory action for any regulation that it plans to promulgate. Prior to publication of the notice with the Registrar of Regulations, the notice of intended regulatory action must be submitted to the Attorney General for a determination as to whether the agency has the explicit authority to promulgate the regulation as proposed in the notice of intended regulatory action. The Attorney General must report the notice of intended regulatory action and its determination to the Governor who may approve the notice of intended regulatory action. Within 10 days after publication by the Registrar of a notice of intended regulatory action for a proposed regulation, either the chairman or vice-chairman of the Joint Commission on Administrative Rules may submit a written directive to the agency that prepared the notice for the agency to hold a preliminary public hearing and comment period on the notice of intended regulatory action. The bill prescribes requirements for the conduct of such public hearings on regulatory matters. The bill requires the Department of Planning and Budget to prepare an economic impact analysis of the proposed regulation that includes a qualitative analysis of the regulation and a detailed quantitative analysis of the impact of the regulation which must include the implementation and compliance costs that are reasonably expected to be incurred by or passed along to the businesses, localities, and individuals that may be affected by the proposed regulation. The Department of Planning and Budget must also provide a determination as to whether $10,000,000 or more in implementation and compliance costs are reasonably expected to be incurred by or passed along to businesses, localities, and individuals over any two-year period as a result of the proposed regulation. After the Department of Planning and Budget submits an economic impact analysis for a proposed regulation to the legislature but before the agency submits the proposed regulation for final approval by the Governor, the chairman or vice-chairman of the Joint Commission on Administrative Rules may request an independent economic impact analysis to be prepared by the Joint Legislative Audit and Review Commission for the proposed regulation. The Department of Planning and Budget is required to provide a detailed explanation of any variance between estimates in the two economic impact analyses. If either economic impact analysis indicates $10,000,000 or more in implementation and compliance costs, the agency proposing the regulation must stop work on the proposed regulation until the regulation is modified to re...

**Primary Sponsors**  
Nick Freitas
Title
Virginia Lottery Board; regulation of the manufacturing, distributing, operating video games.

Description
Virginia Lottery Board; regulation of the manufacturing, distributing, operating, hosting, and playing of dominant skill video games; penalties. Authorizes the manufacture, distribution, operation, hosting, and playing of dominant skill video games in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, operation, and hosting of dominant skill video games and imposes criminal and civil penalties for violations of the law and regulations related to dominant skill video games. The bill imposes a 10 percent tax on all gross profits generated from the play of dominant skill video games and the sale of fills by distributor licensees to operator licensees and provides for how the tax proceeds are disbursed. The bill also establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers.

Primary Sponsors
Mark Sickles
Title
Cybersecurity, care and disposal of customer records, security for connected devices.

Description
Cybersecurity; care and disposal of customer records; security for connected devices. Requires any business to take all reasonable steps to dispose of, or arrange for the disposal of, customer records within its custody or control containing personal information when the records are no longer to be retained by the business by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or undecipherable. The measure requires any business that owns, licenses, or maintains personal information about a customer to implement and maintain reasonable security procedures and practices appropriate to the nature of the information in order to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. A violation of these requirements constitutes a prohibited practice under the Virginia Consumer Protection Act. The measure also requires a manufacturer of a device or other physical object that is capable of connecting directly or indirectly to the Internet to (i) equip the device with reasonable security features, (ii) demonstrate conformity with industry standards for cybersecurity and resiliency, (iii) provide an opt-in forum or registration capability to allow consumers to know when a vulnerability or breach is discovered, (iv) make patch notification and end-of-life support events easily obtainable by registered users of the manufacturer's connected devices, and (v) when it is aware of existing vulnerabilities that put more than 500 users at risk, notify the office of the Chief Information Officer of the Commonwealth and provide remediation steps to consumers without unreasonable delay. The bill has a delayed effective date of January 1, 2021.

Primary Sponsors
Hala Ayala
Title
Virginia Cyber Initiative Act; established.

Description
Virginia Cyber Initiative Act. Directs the Virginia Information Technologies Agency to work with public and private institutions of higher education, state agencies, and businesses in the Commonwealth to develop a cyber alliance, to be known as the Virginia Cyber Initiative, to reduce cyber risks and encourage economic development in the cybersecurity field. The bill also creates the Virginia Cyber Initiative Fund for the purposes of improving cybersecurity and the economy of the Commonwealth through (i) improving cyber infrastructure, (ii) increasing the focus on cyber job-creating research activities, and (iii) expanding cyber job-creating research activities toward producing more knowledge-based and high-technology cyber jobs in the Commonwealth.

Primary Sponsors
Hala Ayala

Title
Uniform Statewide Building Code; exceptions, provisions, and modifications.

Description
Housing; Uniform Statewide Building Code; exceptions, provisions, and modifications; local disaster resilience measures. Clarifies that the Uniform Statewide Building Code (USBC) does not supersede (i) local flood plan regulations adopted as a condition of participation in the Community Rating System and (ii) measures adopted by local ordinance to make buildings resilient to foreseeable harm from recurrent flooding, coastal storms, sea level rise, and other similar threats to the health, safety, and general welfare of the locality and its residents. The bill also adds resilience and hazard risk reduction to the recognized standards that should be consistent with the USBC's provisions and modifications.

Primary Sponsors
Mike Mullin
Title
Discrimination; sexual orientation and gender identity.

Description
Prohibited discrimination; sexual orientation and gender identity. Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill also adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

Primary Sponsors
Mark Levine
Title
Discrimination; prohibited in public accommodations, employment, credit, etc.

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

Primary Sponsors
Mark Levine
### Title
Flavored tobacco products; sale prohibited, civil penalty.

### Description
Flavored tobacco products; sale prohibited; civil penalty. Prohibits the sale, distribution, offering for sale or distribution, or causing the sale or distribution of flavored tobacco products, as that term is defined in the bill, and imposes a civil penalty not to exceed $500 for the first violation, $1000 for a second violation, $1,500 for a third violation, and $2,000 for the fourth or subsequent violation. The bill also provides that, in addition to the civil penalties, a third violation is punishable by suspension of a permit as a stamping agent for a period of 15 days, and a fourth or subsequent violation is punishable by revocation of a permit as a stamping agent and a prohibition on reapplication for a permit to act as a stamping agent for a period of three years.

### Primary Sponsors
Patrick Hope

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### Title
Nicotine vapor products; sale, penalties.

### Description
Sale of nicotine vapor products; penalties. Limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed and to maintain required age verification documentation for every transaction. The bill also prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products and prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic acid). The bill further requires a person selling a tobacco product, nicotine vapor product, or alternative nicotine product to obtain identification as proof of a buyer’s age in any circumstance. Under current law, such identification is not required from an individual who the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age.

### Primary Sponsors
Alfonso Lopez
### Title
Tobacco products retailers; registration, purchase, possession, and sale of products, penalties.

### Description
Registration of tobacco products retailers; purchase, possession, and sale of tobacco products; penalties. The bill prohibits any person from selling any tobacco product at retail (i) without first obtaining a permit from the Department of Taxation and (ii) at a location within 1,000 feet of a youth-oriented facility, defined in the bill. The bill prohibits Internet sales of tobacco products, except to a permit-holding retailer, and prohibits the sale of tobacco products from vending machines. The bill imposes civil penalties of up to $1,500 for selling tobacco products without a permit and up to $2,000 for selling tobacco products to persons under age 21. Permits would be subject to annual renewal and subject to revocation for violations of federal, state, or local laws related to tobacco products. The bill imposes recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application for a permit.

### Primary Sponsors
Patrick Hope

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### Title
Federal acts; meat and poultry.

### Description

### Primary Sponsors
Wendy Gooditis
### Vapor products; licensing of retailers.

**Title**
Vapor products; licensing of retailers.

**Description**
Licensing of retailers of vapor products; penalty. Requires any person that engages in the retail sale of vapor products to register with the Department of Taxation as a retail dealer. The bill authorizes the Department to charge an application fee not to exceed its costs of enforcement and application processing. The bill provides for recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application.

**Primary Sponsors**
Jay Leftwich

### Prescription drugs for the treatment of diabetes; price transparency, civil penalty.

**Title**
Prescription drugs for the treatment of diabetes; price transparency, civil penalty.

**Description**
Price transparency for prescription drugs for the treatment of diabetes; civil penalty. Requires a manufacturer of a prescription drug indicated for use in the treatment of diabetes to report certain information to the Commissioner of Health regarding the cost of such prescription drugs and to report additional information when the price of such a drug increases beyond the increase in the medical care component of the Consumer Price Index for the preceding year. The bill also requires pharmacy benefits managers to report information to the Commissioner of Health regarding any rebates negotiated with a manufacturer for such drugs. The bill provides that such information reported to the Commissioner of Health will be managed by the nonprofit organization that administers the Virginia All-Payer Claims Database. The bill provides that the Board of Health may assess a civil penalty of up to $1,000 per week per violation, not to exceed a total of $50,000 per violation, against a manufacturer or pharmacy benefits manager that fails, within the Board's determination, to make a good faith effort to meet a reporting deadline. In addition, the bill requires pharmacy benefits managers to register with the State Corporation Commission and authorizes the Commission to revoke the registration of any pharmacy benefits manager that fails to comply with reporting requirements specified in the bill. The Board of Pharmacy is authorized to revoke the permit or registration of any manufacturer that fails to comply with the specified reporting requirements.

**Primary Sponsors**
Jay Leftwich
Title
Income tax, state; reporting requirements for partnerships.

Description
Income tax; reporting requirements for partnerships. Alters the process by which partnerships report federal tax adjustments to the Department of Taxation. The federal Bipartisan Budget Act of 2015, P.L. 114-74, generally shifted the burden of reporting adjustments from a partnership’s investors and owners to the partnership itself. The bill would allow a partnership to report to its owners and investors any information required under Virginia law or to report such information on behalf of its owners and investors. The bill establishes processes and deadlines by which partnerships are required to report such information, and pay any associated taxes, to the Department.

Primary Sponsors
Vivian Watts

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Title
Cannabidiol oil and THC-A oil; certification for use of oil.

Description
Dispensing cannabidiol oil and THC-A oil; non-Virginia residents. Removes the requirement that a person be a Virginia resident to obtain a certification for cannabidiol oil and THC-A oil in Virginia. The bill also makes clear that a practitioner who issues a written certification for cannabidiol oil must use his professional judgment to determine the manner and frequency of patient care and evaluation and authorizes such practitioner to utilize telemedicine, consistent with federal requirements for the prescribing of Schedule II through V controlled substances.

Primary Sponsors
Israel O’Quinn
Title
Prescription drug price transparency; penalties.

Description
Prescription drug price transparency; penalties. Requires pharmaceutical drug manufacturers, pharmacy benefits managers, and health carriers to submit reports containing certain information concerning prescription drug costs to the Commissioner of the Bureau of Insurance (the Commissioner). The measure requires pharmaceutical drug manufacturers' reports to include information on the current wholesale acquisition cost information for FDA-approved drugs sold in or into the Commonwealth by the pharmaceutical drug manufacturer. The bill also requires such manufacturers to submit a report for drugs with a wholesale acquisition cost of at least $50 for a 30-day supply when their wholesale acquisition cost increases by 25 percent or more over the preceding three calendar years or 10 percent or more over the preceding calendar year. The measure requires pharmacy benefits managers to report data on the aggregated rebates, fees, price protection payments, and any other payments collected from pharmaceutical drug manufacturers and the aggregated dollar amount of rebates, fees, price protection payments, and any other payments collected from pharmaceutical drug manufacturers that were health benefit plan issuers or enrollees at the point of sale of a prescription drug. The measure requires health carriers to report the names of the 25 most frequently prescribed drugs across all plans, percent increase in annual net spending for drugs across all plans, percent increase in premiums attributable to drugs across all plans, percentage of specialty drugs with utilization management requirements across all plans, and premium reductions that were attributable to specialty drug utilization management. The measure requires the Commissioner to publish the aggregated data from these reports on a website. The measure authorizes the State Corporation Commission (the Commission) to (i) call public hearings and to subpoena prescription drug manufacturers, pharmacy benefits managers, and health carriers to explain their reports; (ii) conduct audits of data submitted to it; (iii) require these entities to submit a corrective action plan to correct deficiencies in reporting; and (iv) impose penalties of $30,000 per day on any prescription drug manufacturer, pharmacy benefits manager, or health carrier that fails to make a good faith effort to submit a required report within two weeks after receiving written notice from the Commission.

Primary Sponsors
Chris Hurst
### Industrial Hemp

**Title**
Industrial hemp; definition, maximum THC concentration.

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

**Primary Sponsors**
Mark Keam

### Tobacco Products

**Title**
Tobacco products, etc.; possession by persons under 21 years of age.

**Description**
Possession of tobacco products, nicotine vapor products, and alternative nicotine products by persons under 21 years of age; exception; scientific study. Provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee.

**Primary Sponsors**
Schuyler VanValkenburg
Title
Pharmaceutical processors; cannabidiol oil, formulation may include oil from industrial hemp.

Description
Board of Pharmacy; pharmaceutical processors; cannabis oil. Allows pharmaceutical processors to acquire industrial hemp grown and processed in Virginia from a registered industrial hemp dealer or processor and allows a pharmaceutical processor to process and formulate industrial hemp with cannabis plant extract into an allowable dosage.

Primary Sponsors
Israel O'Quinn

Title
Board of Education; uniform minimum standards modern; public school buildings.

Description
Board of Education; uniform minimum standards for modern public school buildings. Requires the Board of Education to prescribe by regulation uniform minimum standards for the erection of modern public school buildings and the modernization of existing public school buildings for the purpose of promoting positive educational outcomes for each public elementary and secondary school student. The bill requires such regulations to include uniform minimum modern public school building standards that promote (i) the delivery of instruction that complies with the Standards of Learning by addressing enrollment capacity and available space and (ii) the health and safety of each enrolled student. The bill requires each school board, once every three years, to (a) assess and report to the Board the extent to which each public school building in the local school division complies with such uniform minimum standards and (b) submit to the Board a long-range plan for compliance with such uniform minimum standards, including an assessment of the cost of such compliance, in any case in which the school board determines that a public school building in the local school division does not comply with such standards. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Bill Stanley
Title
Computer trespass; expands the crime.

Description
Computer trespass; penalty. Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. This bill incorporates SB 844.

Primary Sponsors
John Bell

Title
Food waste; to study VDACS sources, scale, and prevention of food waste.

Description
Study; VDACS; sources, scale, and prevention of food waste in the Commonwealth; report. Directs the Virginia Department of Agriculture and Consumer Services (the Department) to study, in consultation with the Department of Environmental Quality and stakeholders, the sources, scale, and prevention of food waste in the Commonwealth. In conducting its study, the Department shall (i) assess the total annual statewide rate of preventable food waste received by landfills within the Commonwealth; (ii) identify the industry sectors within the Commonwealth that contribute to preventable food waste, and determine their rate of contribution to such waste; (iii) identify alternative uses of food that is wasted; and (iv) recommend policies to reduce the annual rate of preventable food waste in the Commonwealth with data-driven reduction targets and timelines, including food donation requirements for certain food waste from grocery stores and restaurants. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Barbara Favola
### Bill 589: Zoning Administrators; Notice of Decisions and Determinations

**Title**
Zoning administrators; notice of decisions and determinations.

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

**Primary Sponsors**
Emmett Hanger

### Bill 641: Civil Action; Sale of Personal Data

**Title**
Civil action; sale of personal data.

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

**Primary Sponsors**
Scott Surovell
Title
Uniform Statewide Building Code; exceptions, provisions, and modifications.

Description
Housing; Uniform Statewide Building Code; exceptions, provisions, and modifications; local disaster resilience measures. Clarifies that local flood plain regulations not superseded by the Uniform Statewide Building Code (USBC) include participation in the Community Rating System and adds that measures adopted by local ordinance to make buildings resilient to foreseeable harm from recurrent flooding, coastal storms, sea level rise, and other similar threats to the health, safety, and general welfare of the locality and its residents are also not superseded by the USBC. The bill also adds resilience and hazard risk reduction to the recognized standards that should be consistent with the USBC’s provisions and modifications.

Primary Sponsors
Lynwood Lewis

Title
Computer trespass; expands the crime.

Description
Computer trespass; penalty. Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. This bill was incorporated into SB 844.

Primary Sponsors
Monty Mason
Title
Hearing notice by localities; timely notice related to planning or zoning matter to newspaper, etc.

Description
Hearing notice by localities. Provides that in any instance in which a locality in Planning District 23 has submitted a timely notice request to such newspaper 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 of a newspaper having general circulation in the locality.

Primary Sponsors
Bill DeSteph

Title
Industrial hemp extract; approval as food or ingredient, regulations.

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

Primary Sponsors
Dave Marsden

Organizational Notes
Last edited by Brett Vassey at Feb 24, 2020, 1:57 PM
VCBG is an participant in Senator Marsden's working group and has advocated for state regulations allowing for CBG ingredients to be added to beer.
### Eminent Domain; Written Offer to Purchase Property

**Title**
Eminent domain; written offer to purchase property.

**Description**
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.

**Primary Sponsors**
Mark Obenshain

### High-nicotine Vapor Products; Specialty Retail Facility, Penalty

**Title**
High-nicotine vapor products; specialty retail facility, penalty.

**Description**
High-nicotine vapor products; specialty retail facility; penalty. Prohibits the sale of nicotine vapor products that contain more than 20 milligrams of nicotine per milliliter at retail except at a retail facility that generates at least 50 percent of its revenue from the sale of tobacco products; nicotine vapor products, including liquid nicotine; and alternative nicotine products. The bill provides that any person who violates this prohibition is guilty of a Class 4 misdemeanor.

**Primary Sponsors**
Dave Marsden

### Flavored Nicotine Vapor Product; Prohibition, Penalty

**Title**
Flavored nicotine vapor product; prohibition, penalty.

**Description**
Flavored nicotine vapor product; prohibition; penalty. Prohibits the sale or distribution at retail of a flavored nicotine product. The bill provides that any person who violates this prohibition is guilty of a Class 4 misdemeanor.

**Primary Sponsors**
Adam Ebbin, Ghazala Hashmi
Title
Pharmaceutical processors; off-site dispensing locations.

Description
Pharmaceutical processors; off-site dispensing locations. Allows each pharmaceutical processor to whom a permit has been issued by the Board of Pharmacy to operate up to five off-site dispensing locations for the dispensing of cannabidiol oil and THC-A oil.

Primary Sponsors
Dave Marsden

Title
Pharmaceutical processors; operation of cannabis dispensing facilities.

Description
Board of Pharmacy; pharmaceutical processors; cannabis dispensing facilities. Defines "cannabis dispensing facilities" and allows the Board of Pharmacy to issue up to five permits for cannabis dispensing facilities per health service area. The bill requires the Board to establish a ratio of one pharmacist for every six pharmacy interns, technicians, and technician trainees for pharmaceutical processors and cannabis dispensing facilities. The bill directs the Board of Pharmacy to require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor make a sample available from each homogenized batch of product for testing at an independent laboratory located in Virginia that meets board requirements. The bill requires that the Board promulgate regulations that include an allowance for the sale of devices for administration of dispensed products and an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The bill also requires the Board to adopt regulations for pharmaceutical processors that include requirements for (i) processes for safely and securely cultivating cannabis plants intended for producing cannabidiol oil or THC-A oil; (ii) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (iii) the secure disposal of plant remains; (iv) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of tetrahydrocannabinol; and (v) a process for registering cannabidiol oil and THC-A oil products. The bill requires the Board of Pharmacy to promulgate required regulations with 280 days.

Primary Sponsors
Dave Marsden
Title
Fiscal impact statements; Department of Planning and Budget to prepare.

Description
Fiscal impact statements. Requires the Department of Planning and Budget (the Department) or an agency designated by the Department to prepare a fiscal impact statement for any bill and any amended version of a bill, except the Budget Bill and debt bills, that increases or decreases the total revenue available for appropriation or that establishes a new state program or initiative requiring an appropriation. The fiscal impact statement would include analysis of (i) the fiscal impact estimates, (ii) the impact on any state entity affected by the revenue increase or decrease or charged with administering the new program or initiative, (iii) the potential costs to citizens in terms of increased taxes, and (iv) any other information the Department or its designee deems appropriate. The bill also provides for each fiscal impact statement to be reviewed by the appropriate staff of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations prior to being heard by the standing committee to consider the legislation.

Primary Sponsors
Mark Peake
Cannabis and medical cannabis; joint subcommittee to study development of framework for regulation.

Study; Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis; report. Establishes the Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis (Joint Subcommittee). The bill requires the Joint Subcommittee to (i) study and provide guidance on the potential creation of a Cannabis Control Commission to oversee licensing and regulation of industrial hemp, medical cannabis, and adult-use of cannabis; (ii) provide regulatory guidance on potential tax rates and revenue forecasts for retail and wholesale products; (iii) study and make recommendations regarding the issuance of initial cultivation and retail licenses; (iv) develop and recommend a fee structure and grandfathering process for current pharmaceutical processors; (v) study and recommend potential marijuana advertising regulations; (vi) study and determine appropriate public consumption venues and personal cultivation allowances; (vii) study funding and processing requirements for expungement of criminal records and rights restoration related to marijuana decriminalization; (viii) study and recommend methods for diversifying ownership of the marijuana market; (ix) assess the California, Massachusetts, and Illinois marijuana programs and their effectiveness in transferring economic prosperity to disproportionately affected areas; (x) study the potential development of a community reinvestment fund; and (xi) review and analyze National Highway Traffic Safety Administration studies on marijuana-related impairment. The joint subcommittee shall also review studies conducted by JLARC considering the legalization and regulation of the growth, sale, and possession of marijuana and any recommended best practices and policies to address the impact of marijuana prohibition on marginalized members of the community.

Primary Sponsors
Adam Ebbin
Title
Health benefit plans; enrollment by pregnant individuals.

Description
Health benefit plans; enrollment by pregnant individuals. Requires health carriers to allow pregnant individuals to enroll in a health benefit plan at any time after the commencement of the pregnancy, with the pregnant individual's coverage being effective as of the first of the month in which the individual receives certification of the pregnancy. The measure applies to such agreements that are entered into, amended, extended, or renewed on or after January 1, 2021.

Primary Sponsors
Ibraheem Samirah
Title
Health insurance; payment to out-of-network providers, emergency services.

Description
Balance billing; emergency services. Provides that when a covered person receives covered emergency services from an out-of-network health care provider, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure deletes a provision that allows an out-of-network provider to charge an individual for the balance of the provider's billed amount after applying the amount the health carrier is required to pay for such services. The measure also establishes a fourth standard for calculating the health carrier's required payment to the out-of-network provider of the emergency services, which standard is (i) the regional average for commercial payments for such service if the provider is a health care professional or (ii) the fair market value for such services if the provider is a facility. This fourth standard is the amount the health carrier is obligated to pay to the out-of-network provider if the amount is greater than any of the other three standards, which are (a) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (b) the amount for the emergency service calculated using the same method the health carrier generally uses to determine payments for out-of-network services, such as the usual, customary, and reasonable amount; or (c) the amount that would be paid under Medicare for the emergency service. The measure requires the health carrier to pay the required amount, less applicable cost-sharing requirements, directly to the out-of-network health care provider of the emergency services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure also provides that final diagnosis rendered to a covered person who receives emergency services for a medical condition shall not be considered in the health carrier's determination of whether the medical condition was an emergency medical condition. The measure establishes the procedure by which the regional average for commercial payments for emergency services will be calculated by the nonprofit data services organization that compiles the Virginia All-Payer Claims Database. The measure also requires health carriers to makes reports to the Bureau of insurance and directs the Bureau to provi... (click bill link to see more).

Primary Sponsors
Lee Ware
Title
Health insurance; cost-sharing payments for prescription insulin drugs.

Description
Health insurance; cost-sharing payments for prescription insulin drugs. Prohibits health insurance companies and other carriers from setting an amount exceeding $30 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier’s pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation. This bill incorporates HB 1403.

Primary Sponsors
Lee Carter
Title
Health insurance; payment to out-of-network providers, emergency services.

Description
Balance billing; emergency services. Provides that when a covered person receives covered emergency services from an out-of-network health care provider, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure deletes a provision that allows an out-of-network provider to charge an individual for the balance of the provider's billed amount after applying the amount the health carrier is required to pay for such services. The measure also establishes a fourth standard for calculating the health carrier's required payment to the out-of-network provider of the emergency services, which standard is (i) the regional average for commercial payments for such service if the provider is a health care professional or (ii) the fair market value for such services if the provider is a facility. This fourth standard is the amount the health carrier is obligated to pay to the out-of-network provider if the amount is greater than any of the other three standards, which are (a) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (b) the amount for the emergency service calculated using the same method the health carrier generally uses to determine payments for out-of-network services, such as the usual, customary, and reasonable amount; or (c) the amount that would be paid under Medicare for the emergency service. The measure requires the health carrier to pay the required amount, less applicable cost-sharing requirements, directly to the out-of-network health care provider of the emergency services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure also provides that final diagnosis rendered to a covered person who receives emergency services for a medical condition shall not be considered in the health carrier's determination of whether the medical condition was an emergency medical condition. The measure establishes the procedure by which the regional average for commercial payments for emergency services will be calculated by the nonprofit data services organization that compiles the Virginia All-Payer Claims Database. The measure also requires health carriers to make reports to the Bureau of insurance and directs the Bureau to provi... (click bill link to see more).

Primary Sponsors
Mark Levine
Family and Medical Leave Insurance Program; funding by employee and employer taxes.

Family and Medical Leave Insurance Program. Entitles individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year. Qualified caregiving means an activity, except regular employment, for a reason an individual is entitled to leave under the federal Family and Medical Leave Act of 1993. Benefits would amount to 66 percent of an individual's monthly wages, based on highest annual earnings from the prior three years, up to a capped monthly amount, and would be indexed to the national average wage index. If a person takes the maximum number of days, the benefits would range from a minimum benefit of $580 to a maximum benefit of $4,000 per month in the program's first year. To be eligible for benefits, an individual is required to (i) be insured for disability insurance benefits under the Social Security Act at the time his application is filed; (ii) have earned income from employment during the 12 months before filing the application; (iii) have filed an application for a FMLI benefit; and (iv) have been engaged in qualified caregiving, or anticipate being so engaged, during the 90-day period before the application is filed or within 30 days thereafter.

The measure establishes the Family and Medical Leave Insurance Fund and requires FMLI benefit payments to be made only from this Fund. A tax of 0.2 percent is imposed on the wages received by every individual, and an excise tax of 0.2 percent of the wages paid in any calendar year by the employer with respect to their employment is imposed on employers. The measure has a delayed effective date of January 1, 2021.

Primary Sponsors
Mark Levine
Title
Health insurance; coverage for donated human breast milk.

Description
Health insurance; coverage for donated human breast milk. Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized donated human breast milk. The requirement applies if the covered person is an infant under the age of six months, the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health, and a licensed medical practitioner has issued an order for an infant who satisfies certain criteria. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2021.

Primary Sponsors
Jennifer Carroll Foy

Title
Health insurance; coverage for prosthetic devices.

Description
Health insurance; coverage for prosthetic devices. Requires health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth's Medicaid program to provide coverage for prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices that have a Medicare code. The measure repeals the existing requirement that coverage for prosthetic devices be offered and made available. The measure has a delayed effective date of January 1, 2021.

Primary Sponsors
Danica Roem
Title
Health care coverage; qualified health plans.

Description
Health care coverage; qualified health plans. Requires the Department of Medical Assistance Services, in collaboration with the State Corporation Commission, to contract with health carriers to offer qualified health plans on the health benefit exchange beginning January 1, 2022. The bill provides that such qualified health plans are designed to reduce deductibles, make more services available before the deductible is met, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, encourage choice based on value, and limit adverse premium impacts and increases in premium rates. The bill requires that any health carrier contracted with the Department to offer such qualified health plans (i) is licensed and in good standing to offer health insurance coverage in the Commonwealth and (ii) offers at least one qualified health plan at a silver level of coverage and one qualified health plan at a gold level of coverage. The bill provides that any fee-for-service rates for providers and facilities under any such qualified health plan cannot exceed the Medicare rates for the same or similar covered services, and for reimbursement other than fee-for-service, the aggregate amount the qualified health plan pays to providers and facilities cannot exceed the equivalent of the aggregate amount the qualified health plan would have reimbursed providers using fee-for-service Medicare rates.

Primary Sponsors
Ibraheem Samirah

Title
Income tax, state; refundable credit for coverage under qualified health plan.

Description
Individual income tax; refundable credit for coverage under qualified health plan. Provides a refundable individual income tax credit for taxable years 2020 through 2024 for a portion of the health care premium costs of a taxpayer insured through the individual marketplace of the Affordable Care Act, provided that such taxpayer has a household income between 400 and 500 percent above the federal poverty line. The amount of the credit would be the lesser of (i) the taxpayer's health care premiums or (ii) the amount by which the premium for a silver plan exceeds 10 percent of household income.

Primary Sponsors
Ibraheem Samirah
Title
Health insurance; coverage for medicines to cover amino acid-based elemental formula.

Description
Health insurance; amino acid-based elemental formula. Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to cover amino acid-based elemental formula for the treatment of specified diseases or disorders.

Primary Sponsors
Ken Plum

Title
Health insurance; coverage for diabetes.

Description
Health insurance; coverage for diabetes. Requires health insurers, health care subscription plans, and health maintenance organizations to include coverage for insulin, certain equipment, certain supplies, regular foot care and eye care exams, and up to three in-person outpatient self-management training and education visits upon an individual's initial diagnosis of diabetes and up to two such visits upon a significant change in an individual's condition. The bill provides greater specificity than the current law requiring coverage for equipment, supplies, and self-management training and education visits. The bill also provides that benefits or services required for the treatment of diabetes is exempt from any deductible. The provisions apply to any insurance policy, contract, or plan delivered, issued for delivery, reissued, or extended on and after January 1, 2021, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

Primary Sponsors
Cia Price
Title
Prescription Drug Affordability Board and Office, etc.; established.

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

Primary Sponsors
Shelly Simonds

Title
Health insurance; coverage for fertility preservation procedures for cancer patients.

Description
Health insurance; coverage for fertility preservation procedures for cancer patients. Requires health insurance policies, subscription contracts, and health care plans to provide coverage for standard fertility preservation procedures that are medically necessary to preserve the fertility of a covered individual due to the covered individual's receiving cancer treatment that may directly or indirectly cause iatrogenic infertility.

Primary Sponsors
Daniel Helmer
Title
Health insurance; association health plans.

Description
Health insurance; association health plans. Provides that for policies of group accident and sickness insurance issued to an association, members of such an association may include (i) a self-employed individual and (ii) an employer member (a) with at least one employee that is domiciled in the Commonwealth or (b) that has a principal place of business that does not exceed the boundaries of a metropolitan area that is at least partially in the Commonwealth. The bill provides that for such policies issued to an association that covers at least 51 members and employees of employer members of such association on the first day of the plan year the policies shall be considered a large group market plan and are required to meet various provisions in the bill. The bill provides that to determine the size of an association all of the members and employees of employer members are aggregated and treated as employed by a single employer. The bill requires an insurer issuing a policy to an association to (1) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (2) set premiums based on the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (3) vary premiums by age, except that the rate shall not vary by more than 5 to 1 for adults; (4) not vary premiums based on gender; (5) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution. The bill requires the Commissioner of Insurance to initiate proceedings to apply to the U.S. Secretary of Health and Human Services for a state innovation waiver under the federal Patient Protection and Affordable Care Act, P.L. 111-148, to implement the provisions of the bill and within 180 days of a certain judicial order to submit the waiver request to implement the provisions of the bill regarding association health plans.

Primary Sponsors
Chris Hurst
Title
Virginia Health Benefit Exchange; created, report.

Description
Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers offering plans in the Exchange. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth’s small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

Primary Sponsors
Mark Sickles
### Bill HB 1043

**State:** VA  
**Bill Number:** HB 1043  
**Last Action:** House Incorporated By Labor And Commerce Hb 1503 Ward By Voice Vote 2020 01 28  
**Status:** Failed  
**Position:** Oppose  
**Priority:** Low

**Title**
Health insurance; coverage for autism spectrum disorder, individual and small group markets.

**Description**
Health insurance; coverage for autism spectrum disorder; individual and small group markets. Eliminates the exemption from the requirements to provide coverage for the diagnosis and treatment of autism spectrum disorder for insurers, corporations, and organizations issuing policies, contracts, and plans in the individual and small group markets. Under current law, only policies, contracts, and plans issued in the large group market are required to provide such coverage. This bill was incorporated into HB 1503.

**Primary Sponsors**
Paul Krizek

### Bill HB 1087

**State:** VA  
**Bill Number:** HB 1087  
**Last Action:** House Left In Labor And Commerce 2020 02 11  
**Status:** Failed  
**Position:** None  
**Priority:** None

**Title**
High deductible health plans; funding deductibles through health savings accounts.

**Description**
High deductible health plans; funding deductibles through health savings accounts. Requires each employer sponsoring a high deductible health plan for its employees annually to fund the health savings account associated with the plan in an amount that is not less than the annual deductible amount under the plan. A similar requirement is imposed with regard to high deductible health plans offered to state employees under the state employee health insurance program.

**Primary Sponsors**
Jason Miyares
Title
Health insurance; definitions, payment to out-of-network providers.

Description
Health insurance; payment to out-of-network providers. Provides that when a covered person receives covered emergency services from an out-of-network health care provider or receives out-of-network services at an in-network facility, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure also establishes a standard for calculating the health carrier's required payment to the out-of-network provider of the services. If such provider determines that the amount to be paid by the health carrier does not comply with the applicable requirements, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request the State Corporation Commission to review the disputed reimbursement amount and determine if the amount complies with applicable requirements. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly. The measure requires the nonprofit data services organization contracting with the Department of Health to operate the All Payer Claims Database to convene an advisory work group to make recommendations for a methodology to be used for identifying codes for comparable emergency services and statistical adjustments to account for outlier payment amounts for each health planning region to be used for the market-based value calculation and submit its recommendations to the Commissioner of Insurance no later than December 31, 2020.

Primary Sponsors
Luke Torian
Title
Health insurance; carrier contracts with pharmacy benefits managers.

Description
Health insurance; carrier contracts with pharmacy benefits managers. Prohibits a health insurance carrier from entering into, amending, renewing, or extending a contract with a pharmacy benefits manager unless such contract contains provisions prohibiting the pharmacy benefits manager or his representative from conducting spread pricing with regard to the carrier's health benefit plans. The bill defines "spread pricing" as the model of prescription drug pricing in which the pharmacy benefits manager charges a carrier a contracted price for prescription drugs and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services. This bill was incorporated into HB 1290.

Primary Sponsors
Keith Hodges

Title
Health insurance; cost-sharing payments for prescription insulin drugs.

Description
Health insurance; cost-sharing payments for prescription insulin drugs. Prohibits health insurance companies and other carriers from setting an amount exceeding $100 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation.

Primary Sponsors
Jay Leftwich
Title
Canadian Prescription Drug Importation Program; established, report.

Description
Canadian Prescription Drug Importation Program established. Establishes the Canadian Prescription Drug Importation Program, pending federal approval and certification from the Secretary of the U.S. Department of Health and Human Services. Under the Program, the Commissioner of Health is required to designate the Department of Health, the Commissioner, or another agency or officer of the Commonwealth; a licensed drug wholesaler; or a nonprofit, nonstock corporation established by the Department as a public instrumentality exercising public and essential governmental functions to (i) import prescription drugs from Canadian suppliers and (ii) distribute the imported prescription drugs to pharmacies or pharmacists in the Commonwealth that contract with the designated entity to make the imported prescription drugs available to residents of the Commonwealth at the cost prescribed in the contract. The measure provides that only prescription drugs that have the highest potential for cost savings to the Commonwealth shall be identified for importation. The Program will authorize the designated entity to purchase prescription drugs from a Canadian supplier and distribute the prescription drugs to pharmacists and pharmacies that are in-network under a health plan provided by a health carrier, state employee health plan or local choice plan, and the Medicaid program. Contracts between the pharmacist or pharmacy and the designated entity will set the price at which the prescription drugs are to be provided to covered individuals. The measure requires the Commissioner, by December 1, 2021, to review the proposed Program and, if the proposed Program is approved, to submit the proposed Program for federal review. The Department is also required to prepare an implementation plan, which is to be put into effect six months after the last to occur of (a) the enactment of any legislation required for the establishment of the charge or assessment to finance the Program and (b) receipt of notice that the proposed Program has been approved and certified by the Secretary of the U.S. Department of Health and Human Services.

Primary Sponsors
Jay Leftwich
Title
Virginia Health Benefit Exchange; created.

Description
Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

Primary Sponsors
Mark Sickles
Title
Reproductive health services; health benefit plans to cover costs of specified health care services.

Description
Reproductive health services. Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2021, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made. The measure also requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of the costs of a reproductive health care program providing reimbursement for medically necessary reproductive health care services, drugs, devices, products, and procedures for eligible individuals.

Primary Sponsors
Cia Price

Title
Health insurance; coverage for autism spectrum disorder, individual and small group markets.

Description
Health insurance; coverage for autism spectrum disorder. Requires health insurers, corporations providing health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder under insurance policies, subscription contracts, or health care plans issued in the individual market or small group markets. The existing requirement that such coverage be provided for policies, contracts, or plans issued in the large group market is not affected. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2021. This bill incorporates HB 1043.

Primary Sponsors
Jeion Ward
Title
Health benefit plans; bills for emergency services, surprise bills, dispute resolution.

Description
Health benefit plans; bills for emergency services; surprise bills; dispute resolution. Requires the Commissioner of the Bureau of Insurance to certify independent dispute resolution entities to resolve disputes arising from surprise bills for non-emergency health care services and for emergency service provided by non-participating providers. The measure implements “baseball-style” arbitration to resolve disputes between health carriers and physicians. Under this approach, each party submits a proposed dollar amount to the independent dispute resolution entity, who then chooses one as the appropriate payment amount. The measure provides that when an insured assigns benefits for a surprise bill or a bill for emergency services in writing to a non-participating physician who knows the insured is covered under a health benefit plan, the non-participating physician shall not bill the insured except for any applicable coinsurance, copayment, or deductible that would be owed if the insured utilized a participating physician. This bill was incorporated into HB 1251.

Primary Sponsors
Dawn Adams
Title
Prescription drug price transparency; penalties.

Description
Prescription drug price transparency; penalties. Requires pharmaceutical drug manufacturers, pharmacy benefits managers, and health carriers to submit reports containing certain information concerning prescription drug costs to the Commissioner of the Bureau of Insurance (the Commissioner). The measure requires pharmaceutical drug manufacturers’ reports to include information on the current wholesale acquisition cost information for FDA-approved drugs sold in or into the Commonwealth by the pharmaceutical drug manufacturer. The bill also requires such manufacturers to submit a report for drugs with a wholesale acquisition cost of at least $50 for a 30-day supply when their wholesale acquisition cost increases by 25 percent or more over the preceding three calendar years or 10 percent or more over the preceding calendar year. The measure requires pharmacy benefits managers to report data on the aggregated rebates, fees, price protection payments, and any other payments collected from pharmaceutical drug manufacturers and the aggregated dollar amount of rebates, fees, price protection payments, and any other payments collected from pharmaceutical drug manufacturers that were health benefit plan issuers or enrollees at the point of sale of a prescription drug. The measure requires health carriers to report the names of the 25 most frequently prescribed drugs across all plans, percent increase in annual net spending for drugs across all plans, percent increase in premiums attributable to drugs across all plans, percentage of specialty drugs with utilization management requirements across all plans, and premium reductions that were attributable to specialty drug utilization management. The measure requires the Commissioner to publish the aggregated data from these reports on a website. The measure authorizes the State Corporation Commission (the Commission) to (i) call public hearings and to subpoena prescription drug manufacturers, pharmacy benefits managers, and health carriers to explain their reports; (ii) conduct audits of data submitted to it; (iii) require these entities to submit a corrective action plan to correct deficiencies in reporting; and (iv) impose penalties of $30,000 per day on any prescription drug manufacturer, pharmacy benefits manager, or health carrier that fails to make a good faith effort to submit a required report within two weeks after receiving written notice from the Commission.

Primary Sponsors
Chris Hurst
### Health insurance; coverage for certain infertility treatments

**Title**
Health insurance; coverage for certain infertility treatments.

**Description**
Health insurance; coverage for infertility treatments. Requires health insurance policies, subscription contracts, and health care plans to provide coverage for embryo transfer, in vitro fertilization, artificial insemination, gamete intrafallopian tube transfer, intracytoplasmic sperm injection, zygote intrafallopian transfer, and low tubal ovum transfer when performed on a covered individual who is less than 50 years old and infertile.

**Primary Sponsors**
Mark Keam

### Health insurance; mandated coverage for hearing aids for minors

**Title**
Health insurance; mandated coverage for hearing aids for minors.

**Description**
Health insurance; mandated coverage for hearing aids for minors.

**Primary Sponsors**
Joshua Cole

### Line of Duty Act; eligible dependents

**Title**
Line of Duty Act; eligible dependents.

**Description**
Line of Duty Act; eligible dependents. Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if the pregnancy or adoption occurred before July 1, 2017. Under current law, such children are not eligible.

**Primary Sponsors**
Bill DeSteph
Title
Health insurance; essential health benefits, preventive services.

Description
Health insurance; essential health benefits; preventive services. Requires a health carrier offering or providing a health benefit plan, including (i) catastrophic health insurance policies, and policies that pay on a cost-incurred basis; (ii) association health plans; and (iii) plans provided by a multiple-employer welfare arrangement, to provide, as an essential health benefit, coverage that includes preventive care. Essential health benefits include items and services covered in accordance with regulations issued pursuant to the Patient Protection and Affordable Care Act in effect as of January 1, 2019.

Primary Sponsors
Barbara Favola
Title
Health insurance; definitions, payment to out-of-network providers, emergency services.

Description
Health insurance; payment to out-of-network providers. Provides that when a covered person receives covered emergency services from an out-of-network health care provider or receives out-of-network services at an in-network facility, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement. The measure also provides that the health carrier’s required payment to the out-of-network provider of the services is the usual and customary commercial payment. If such provider determines that the amount to be paid by the health carrier is not appropriate, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the appropriate amount of the reimbursement and, if a resolution is not reached, authorizes either party to request to enter arbitration. The measure requires the State Corporation Commission to establish rules for an expedited arbitration process to settle disputes between providers and health carriers arising out of such disputes. Under the measure, the Commission is required to establish a portal on its website for the submission of arbitration claims, (ii) contract with independent arbitrators to settle such disputes, (iii) ensure the arbitrators do not have a conflict of interest with the parties and have experience in health care billing, and (iv) maintain a list of such arbitrators on its website. The measure provides certain factors that an arbitrator is required to consider when settling such a disputed claim. The measure provides that provisions of the bill do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure requires health carriers to make reports to the Bureau of Insurance and directs the Bureau to provide reports to certain committees of the General Assembly.

Primary Sponsors
Barbara Favola
Title
Health insurance; catastrophic health plans.

Description
Health insurance; catastrophic health plans. Authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are younger than 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision allowing catastrophic plans to be offered on the individual market to all individuals. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved.

Primary Sponsors
Dave Suetterlein
Virginia Health Benefit Exchange; created.

Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers offering plans in the Exchange. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth’s small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange. This bill was incorporated by SB 732.

Primary Sponsors
John Edwards
Title
Health insurance; association health plans.

Description
Health insurance; association health plans. Provides that for policies of group accident and sickness insurance issued to an association, members of such an association may include (i) a self-employed individual and (ii) an employer member (a) with at least one employee that is domiciled in the Commonwealth or (b) that has a principal place of business that does not exceed the boundaries of a metropolitan area that is at least partially in the Commonwealth. The bill provides that for such policies issued to an association that covers at least 51 members and employees of employer members of such association on the first day of the plan year the policies shall be considered a large group market plan and are required to meet various provisions in the bill. The bill provides that to determine the size of an association all of the members and employees of employer members are aggregated and treated as employed by a single employer. The bill requires an insurer issuing a policy to an association to (1) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (2) set premiums based on the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (3) vary premiums by age, except that the rate shall not vary by more than 5 to 1 for adults; (4) not vary premiums based on gender; (5) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution. The bill requires the Commissioner of Insurance to, within 90 days of the enactment of the bill, apply to the U.S. Secretary of Health and Human Services for a state innovation waiver under the federal Patient Protection and Affordable Care Act, P.L. 111-148, to implement the provisions of the bill. The provisions of the bill regarding association health plans will become effective 30 days following the date the Commissioner of Insurance notifies the Governor and the Chairs of the House and Senate Committees on Commerce and Labor of federal approval of such waiver.

Primary Sponsors
George Barker
Title
Commonwealth Care Health Benefits Program; association health plans for individual market.

Description
Joint Commission on Health Care; association health plans for the individual market; review. Directs the Joint Commission on Health Care (JCHC) to examine and review the implications of the establishment, implementation, and administration of a program, to be known as the Commonwealth Care Health Benefits Program (the Program), under which a division of the State Corporation Commission (the Commission), or nonprofit corporation established by the Commission, will be the sponsor of association health plans through which it will sell individual health insurance coverage in the Commonwealth. The bill provides that JCHC shall request and consider information and input from the Commission’s Bureau of Insurance and the Secretary of Health and Human Resources. The bill provides that elements of the Program to be reviewed and examined by JCHC shall include the following: (i) implementation of the Program would be contingent on the approval of the U.S. Secretary of Health and Human Services of a state innovation waiver under § 1332 of the Affordable Care Act (ACA); (ii) the Commission will retain staff sufficient to establish and implement the Program; (iii) the Program will arrange for a number of third-party administrators, sufficient to ensure competition but in no event fewer than two; (iv) the Program will design and implement health plans that are comparable those currently sold through the federal exchange; (v) the covered benefits provided under a plan offered through the Program would provide coverage that a large group plan or association health plan subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) is required to provide so long as one or more health plans provide additional benefits as may be required to provide coverage that is at least as comprehensive and affordable as plans currently offered on the exchange pursuant to the ACA or otherwise to comply with the Guardrail requirements of the ACA; (vi) the Program will address the establishment of a reinsurance program; (vii) health plan premiums for individuals with a household income between 100 percent and 400 percent of the federal poverty level would be subsidized; (viii) the Program will offer a cost-sharing reduction feature that removes disincentives to Program participation by low-income individuals who are enrolled in the Medicaid program; (ix) individuals will still be able to purchase individual health insurance coverage outside of the Program; (x) premiums for the plans offered through the Program will be set by the third-party administrators, subject to approval by the Commission with assistance of qualified actuaries; (xi) the Program would be designed and operated in order to ensure that any shortfall in revenues is addressed by the reinsurance program a...

Primary Sponsors
Siobhan Dunnavant
Title
Health insurance; coverage for prosthetic devices.

Description
Health insurance; coverage for prosthetic devices. Requires health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth’s Medicaid program to provide coverage for prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices that have a Medicare code. The measure repeals the existing requirement that coverage for prosthetic devices be offered and made available. The measure has a delayed effective date of January 1, 2021.

Primary Sponsors
Jeremy McPike

Title
Health insurance; short-term limited-duration medical plans, renewals and extensions.

Description
Health insurance; short-term limited-duration medical plans. Prohibits carriers from issuing in the Commonwealth, on or after July 1, 2021, any short-term limited-duration medical plan with a duration that exceeds three months or that can be renewed or extended beyond six months, or if the plan’s issuance would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period. The measure prohibits a carrier from issuing a short-term limited-duration medical plan during an annual open enrollment period.

Primary Sponsors
Ghazala Hashmi
Title
Health insurance; mandated coverage for hearing aids for minors.

Description
Health insurance; mandated coverage for hearing aids for minors. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of $1,500, every 24 months. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2021.

Primary Sponsors
Bill DeSteph

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Title
Health plans; calculation of enrollee's contribution to out-of-pocket maximum requirement.

Description
Health plans; calculation of enrollee's contribution to out-of-pocket maximum or cost-sharing requirement; rebates. Requires any carrier issuing a health plan in the Commonwealth to count the amount of any rebates received or to be received by the carrier or its pharmacy benefits manager in connection with the dispensing or administration of a prescription drug when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

Primary Sponsors
Bill DeSteph
Virginia Health Benefit Exchange; created.

Description
Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers offering plans in the Exchange. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange. This bill was incorporated by SB 732.

Primary Sponsors
Emmett Hanger
Title
Health insurance; formula and enteral nutrition products.

Description
Health insurance; formula and enteral nutrition products. Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. This bill incorporates SB 654.

Primary Sponsors
Ryan McDougle
Title
Health insurance; formula and enteral nutrition products.

Description
Health insurance; formula and enteral nutrition products. Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision.

Primary Sponsors
Jennifer Boysko
Title
Virginia Health Benefit Exchange; created.

Description
Virginia Health Benefit Exchange. Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by an assessment on health insurers, which is limited to three percent of total monthly premiums. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

Primary Sponsors
Jenn McClellan
Title
Group health benefit plans; bona fide associations, benefits consortium.

Description
Group health benefit plans; bona fide associations; benefits consortium. Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefits plans to members of a sponsoring association that (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the bill; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active existence for at least five years. The bill replaces references to “bona fide association,” as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association."

Primary Sponsors
Monty Mason
**Title**
Reproductive health services; health benefit plans to cover costs of specified health care services.

**Description**
Reproductive health services. Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2021, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made. The measure also requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of the costs of a reproductive health care program providing reimbursement for medically necessary reproductive health care services, drugs, devices, products, and procedures for eligible individuals.

**Primary Sponsors**
Mamie Locke

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**Title**
Virginia Human Rights Act; prohibited discrimination, sexual orientation and gender identity.

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

**Primary Sponsors**
Joe Lindsey
Title
Worker cooperatives; established as a category of cooperative associations.

Description
Worker cooperatives. Establishes worker cooperatives as a category of cooperative associations. A worker cooperative is a stock corporation that has elected to be governed by provisions established by this measure, which include (i) conducting its business primarily for the mutual benefit of its members, (ii) allowing only current and retired employees to be members, (iii) limiting voting rights to current employees, (iv) providing that each employee is entitled to one vote, (v) prohibiting any person from owning more than one membership share, (vi) requiring at least two-thirds of employees to own membership shares, and (vii) requiring that net earnings be paid or credited to members in accordance with the ratio that each member's amount of work performed during a period bears to the total amount of work performed by all members during that period.

Primary Sponsors
Lee Carter

Title
Strikes by certain government employees; limits to law-enforcement officers.

Description
Strikes by government employees. Limits to law-enforcement officers the scope of the existing provision that deems any public employee who strikes to have terminated his employment and bars him from further public employment.

Primary Sponsors
Lee Carter
Title
Nonpayment of wage; construction contracts, etc.

Description
Nonpayment of wages; private action; liability for payment of wages due under construction contracts; penalties. Provides that an employee has a private cause of action, individually, jointly, with other aggrieved employees as a collective action, on behalf of similarly situated employees as a collective action under the federal Fair Labor Standards Act against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due, an additional amount as liquidated damages, and reasonable attorney fees and costs. If the court finds that the employer knowingly failed to pay wages, the court shall award the employee reasonable attorney fees and costs and the employer is subject to a civil penalty not to exceed $1,000 for each violation. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall award the employee triple the amount of wages due and reasonable attorney fees and costs. The measure also provides that any construction contract entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor and the subcontractor are jointly and severally liable to pay the wages due to the subcontractor's employees. If the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was because of the general contractor's failure to pay moneys due to the subcontractor. The measure also provides that the lack of privity between the general contractor and the employees of the subcontractor is not a defense in an action against the general contractor arising from nonpayment of wages to the subcontractor's employees. This bill incorporates HB 482.

Primary Sponsors
Jennifer Carroll Foy
Title
Right to work; repeals provisions of Code that refers to denial or abridgement.

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

Primary Sponsors
Lee Carter

Organizational Notes
Last edited by Ian Ginger at Feb 4, 2020, 11:47 PM
Referred from House L&C Subcommittee #1 to Appropriations on 5-3 vote.

Title
Nonpayment of wages; private cause of action by an employee.

Description
Nonpayment of wages; private action. Provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages, the court shall award the employee reasonable attorney fees and other costs. If the court finds that the employer’s failure to pay wages was willful and with intent to defraud the employee, the court shall also award the employee three times the amount of wages due.

Primary Sponsors
Ronnie Campbell
Title
Minimum wage; local alternative minimum wage.

Description
Local alternative minimum wage. Establishes a procedure by which a local alternative minimum wage may be imposed in any locality. A local alternative minimum wage requires every employer to pay to each of its employees wages at a rate to be determined by local ordinance for work performed by them within the locality. If the federal minimum wage exceeds the levels specified in a local alternative minimum wage requirement, the federal minimum wage will prevail. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.

Primary Sponsors
Mark Levine

Title
Employment; wage inquiries, civil penalty.

Description
Employment; wage inquiries; civil penalty. Prohibits any public or private employer from (i) refusing to interview, hire, or employ an applicant for employment because the applicant does not provide wage history; (ii) retaliating against an applicant for employment because the applicant does not provide wage history; or (iii) relying on the wage history of an applicant to determine the wages offered by the employer to such individual. An applicant or employee who is aggrieved by a violation may bring a private action against the employer. In addition, violators are subject to a civil penalty not to exceed $100 per violation.

Primary Sponsors
Mark Levine
Public employees; collective bargaining.

Description
Public employees; collective bargaining. Authorizes state and local government officers, agents, and governing bodies to recognize any labor union or other employee association as a bargaining agent of any public officers or employees and to collectively bargain with any such union or association.

Primary Sponsors
Mark Levine

Employment; covenants not to compete, clarifies definition of low-wage employees, civil penalty.

Description
Employment; covenants not to compete; low-wage employees; civil penalty. Prohibits an employer from entering into a covenant not to compete with any of its low-wage employees. Any employer that violates this prohibition is subject to a civil penalty of $10,000 for each violation. The measure authorizes a low-wage employee to bring a civil action against an employer that attempts to enforce a prohibited covenant not to compete.

Primary Sponsors
Schuyler VanValkenburg

Virginia Minimum Wage Act; exclusions.

Description
Virginia Minimum Wage Act; exclusions. Eliminates the exclusion in the Virginia Minimum Wage Act for persons whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability.

Primary Sponsors
Paul Krizek
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**Title**
Virginia Minimum Wage Act; removes exemption for persons employed in domestic service, etc.

**Description**
Virginia Minimum Wage Act; exemption. Removes the exemption from the Virginia Minimum Wage Act for persons employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds.

**Primary Sponsors**
Cia Price

**Title**
Virginia Minimum Wage Act; removes certain exemption.

**Description**
Minimum wage; exemptions. Removes the exemption from the Virginia Minimum Wage Act for individuals who are employed by an employer that does not have four or more persons employed at any one time.

**Primary Sponsors**
Cia Price

**Title**
Project labor agreements; public procurement.

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

**Primary Sponsors**
Alfonso Lopez
### Title
Minimum wage; increases to $10 per hour effective July 1, 2020.

### Description
Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9 per hour effective July 1, 2020; to $11 per hour effective July 1, 2021; to $13 per hour effective July 1, 2022; and to $15 per hour effective July 1, 2023, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.

### Primary Sponsors
Jeion Ward

### Organizational Notes
Last edited by Brett Vassey at Feb 15, 2020, 1:05 PM
Referred to Appropriations with subs. 12-8 vote. 2/4/20 See comments on SB7. This bill is opposed by the Coalition for a Strong Virginia Economy.

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### Title
Safe days for employees; private employers required to allow days.

### Description
Safe days for employees. Requires private employers to allow an employee safe days, with pay, if the employee is a victim of domestic violence, sexual assault, or stalking or is a family member of a victim of domestic violence, sexual assault, or stalking. Employers are required to provide employees with four safe days per year if the employee has fewer than 120 consecutive months of employment with the employer and five safe days if the employee has 120 or more consecutive months of employment with the employer. "Safe days" are leave from work that is used to allow the employee to obtain for the employee or the employee's family member, as applicable, (i) medical attention needed to recover from physical or psychological injury or disability caused by domestic violence or sexual assault; (ii) psychological or other counseling; (iii) relocation due to domestic violence, sexual assault, or stalking; or (iv) legal services. Employers are prohibited from discharging or discriminating against an employee because the employee exercises the right to safe days. Employees may bring a private action against an employer that violated these provisions.

### Primary Sponsors
Mark Keam
### Employment; requiring the purchase or provision of materials.

**Title**
Employment; requiring the purchase or provision of materials.

**Description**
Employment; requiring the purchase or provision of materials. Prohibits any employer, including state or local government, from requiring any employee to purchase from the employer or any other person necessary or required for the employee to perform or complete the work for which he was hired. The measure also prohibits an employer from (i) requiring any employee to furnish, use, or provide at the employee's expense any necessary materials; (ii) deducting the cost or value of any necessary materials provided by the employer from the employee's wages or salary; or (iii) discharging or taking retaliatory action against an employee for certain actions related to a violation.

**Primary Sponsors**
Joshua Cole

### Employees; paid earned sick leave, civil penalties.

**Title**
Employees; paid earned sick leave, civil penalties.

**Description**
Earned sick leave for employees; civil penalties. Requires employers to provide earned sick leave to employees at a rate of one hour per 30 hours worked, up to 24 hours in any 12-month period. For employers with more than five employees, the employee is paid for sick leave taken; for employers with fewer than five employees, not more than 32 hours of sick leave in a year are required to be paid leave. The measure authorizes the Commissioner of Labor and Industry to impose a civil penalty of not more than $1,000 for a violation.

**Primary Sponsors**
Joshua Cole
Minimum wage increases to $9 per hour effective January 1, 2020.

Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9.00 per hour effective January 1, 2021; to $11.00 per hour effective January 1, 2022; to $13 per hour effective January 1, 2023; and to $15.00 per hour effective January 1, 2024, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective January 1, 2025, the minimum wage shall be adjusted annually to reflect annual increases in the consumer price index. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body. This bill was incorporated into HB 395.

Primary Sponsors
Jennifer Carroll Foy

Nonpayment of wages; private action.

Nonpayment of wages; private action. Affirms that an employee has cause of action against an employer who fails to pay wages to recover the wages and prejudgment interest at eight percent annually from the date the wages were due. The measure provides that if the court finds that the employer knowingly failed to pay the wages, it shall also award the employee reasonable attorney fees and court costs. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall also award the employee reasonable attorney fees and court costs plus an additional sum equal to the amount of wages due.

Primary Sponsors
Kaye Kory
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**Title**
Collective bargaining for public employees; definitions, labor organization representation.

**Description**
Collective bargaining for public employees. Repeals the existing prohibition on collective bargaining by public employees. The measure creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

**Primary Sponsors**
Liz Guzman

**Organizational Notes**
Last edited by Brett Vassey at Feb 15, 2020, 12:32 PM
Collective bargaining will result in an increase in the state and local tax burden of $2,300 - $3,000 per family (Source: Heritage Foundation, How Unions Affect State and Local Finances, 2016) https://www.heritage.org/jobs-and-labor/report/how-government-unions-affect-state-and-local-finances-empirical-50-state. This bill is opposed by the Coalition for a Strong Virginia Economy.

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**Title**
Minimum wage; increases to $10.10 per hour effective January 1, 2021, etc.

**Description**
Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $10.10 per hour effective January 1, 2021, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective January 1, 2022, the minimum wage shall be adjusted biennially to reflect annual increases in the consumer price index over the two most recent calendar years. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body. This bill was incorporated into HB 395.

**Primary Sponsors**
Ken Plum
Title
Limiting employees' sharing of wage information; prohibited, exception, civil penalty.

Description
Limiting employees' sharing of wage information prohibited; civil penalty. Prohibits an employer from discharging or taking other retaliatory action against an employee because the employee inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation. Violations are subject to a civil penalty of $100.

Primary Sponsors
Chris Hurst

Title
Human Rights, Division of; discrimination in compensation on basis of gender.

Description
Office of the Attorney General; Division of Human Rights; compensation discrimination information. Provides that any company that employs 100 or more employees shall annually provide certain compensation information for each employee to the Division of Human Rights. The bill requires the Division, by November 30 of each year, to utilize such information to develop a standard for how to evaluate discrimination in compensation on the basis of gender. For purposes of the bill, "employer" is defined as an individual, partnership, association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy doing business in or operating within the Commonwealth who employs another to work for wages or salaries or on commission.

Primary Sponsors
Chris Hurst
Title
Wage payment statements; statement of earnings.

Description
Wage payment statements. Limits the scope of the requirement enacted in 2019 that requires periodic wage payment statements to show the number of hours worked during the pay period. The measure provides that the statement is required (i) to show the number of hours worked if the employee is either (a) paid on the basis of the number of hours worked or (b) paid on the basis of a salary that is less than the standard salary level adopted by the U.S. Department of Labor establishing an exemption from the overtime premium pay requirements of the federal Fair Labor Standards Act and (ii) to include sufficient information to enable the employee to determine how the gross and net pay were calculated. The measure contains an emergency clause.

Primary Sponsors
Lashrecse Aird

Title
Employment; prohibited retaliatory action.

Description
Employment; prohibited retaliatory action. Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation or suspected violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that the employee believes, which belief has an objective basis in fact, violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

Primary Sponsors
Karrie Delaney
## Title
Employment; disclosure of terms.

## Description
Employment; disclosure of terms. Requires every employer of employees who are 18 years of age or older who work for daily wages or are employed to work on a project for a total of 10 days or less, with some exceptions specified in the measure, to furnish to such employees, at the time of the employee's hiring, a written disclosure of information regarding the terms of employment, including the name and address of the employer, the rate of pay and basis thereof, and the regular payday. The measure also requires employers to notify its employees in writing of any changes to this information.

### Primary Sponsors
Karrie Delaney
Worker classification; penalties.

Description
Worker classification; penalties. Prohibits a contractor from classifying an individual who performs delivery services or construction labor services for the contractor as the contractor's independent contractor if he is an employee of the contractor. An individual performing such services for a contractor shall be presumed to be an employee of the contractor unless it is shown to the satisfaction of the Commissioner of Labor and Industry that (i) the individual has been and will continue to be free from control or direction over the performance of the services performed by the individual for wages, both under his contract of service and in fact; (ii) the services are either outside the usual course of the business for which such services are performed or such services are performed outside of all the places of business of the enterprise for which such services are performed; and (iii) such individual is customarily engaged in an independently established trade, occupation, profession, or business. Other factors applicable to such a determination in the case of an individual performing construction labor services are whether the individual maintained a workplace that is subject to inspection pursuant to occupational safety and health laws and whether the individual has been assigned an experience rating tax rate for purposes of unemployment compensation. Violators are subject to civil penalties and debarment from public contracts. The measure requires a contractor entering into a public contract to provide an affidavit, under penalty of perjury, attesting that (a) each individual performing delivery services or construction labor services is properly classified; (b) the contractor has completed a federal I-9 immigration form and has such form on file for each employee; (c) the contractor has complied with requirements for participation with the E-verify program for each employee; (d) the contractor has no reasonable basis to believe that any individual performing services for such contractor is an undocumented worker; and (e) the contractor is not barred from contracting with the public body.

Primary Sponsors
Karrie Delaney
Title
Employment; wage inquiries, prohibited retaliatory action.

Description
Employment; wage inquiries; prohibited retaliatory action. Prohibits any public or private employer from (i) refusing to interview, hire, or employ an applicant for employment because the applicant does not provide wage history; (ii) retaliating against an applicant for employment because the applicant does not provide wage history; or (iii) relying on the wage history of an applicant to determine the wages offered by the employer to such individual. An applicant or employee who is aggrieved by a violation may bring a private action against the employer. The measure also prohibits an employer from taking other retaliatory action against an employee because the employee (a) reports a violation or suspected violation of any law to a supervisor or to any governmental body or law-enforcement official; (b) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (c) refuses to engage in a criminal act that would subject the employee to criminal liability; (d) refuses an employer’s order to perform an action that the employee believes violates any law; (e) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation into any alleged violation by the employer; or (f) makes a prohibited wage inquiry.

Primary Sponsors
Karrie Delaney
Title
Pregnant Worker Fairness Act; unlawful discrimination on the basis of pregnancy, childbirth.

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

Primary Sponsors
Jennifer Carroll Foy
Title
Employees; earned sick leave, civil penalties.

Description
Earned paid sick time. Requires public and private employers with six or more employees to provide those employees with earned paid sick time. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed $150 for the first violation, $300 for the second violation, and $500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The measure has a delayed effective date of January 1, 2021.

Primary Sponsors
Liz Guzman
Title
Employment; covenants not to compete.

Description
Employment; covenants not to compete. Declares that any contract, including a provision of an employment agreement, entered into on or after July 1, 2020, by which an employee is restrained from engaging in a lawful profession, trade, or business for a specified period of time, in a specified geographical area, or for another employer is contrary to public policy and void.

Primary Sponsors
Sally Hudson

Title
Virginia Human Rights Act; creation of cause of action for discrimination.

Description
Virginia Human Rights Act; creation of cause of action for discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, or age. Creates a cause of action against any employer of one or more persons who engages in unlawful discrimination against any employee on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions, including lactation. The bill also creates a cause of action against any employer of one or more persons who unlawfully discriminates against an employee on the basis of age if the employee is 40 years of age or older. Under current law, an employee who has been discriminated against on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or age may only file an action against his employer if the employee is discharged by the employer on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or age. The bill permits a court, in cases where the employee prevails, to award compensatory or punitive damages in an amount of up to $25,000 and attorney fees. The bill provides that the provisions creating a cause of action against an employer who engages in unlawful discriminatory practices against an employee shall apply only to unlawful discriminatory practices that occur or are alleged to have occurred on or after July 1, 2020. This bill was incorporated into HB 1663.

Primary Sponsors
Kathy Tran
### Title

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

**Description**

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

**Primary Sponsors**

Kathy Tran

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### Title

**Project labor agreements; public procurement.**

**Description**

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

**Primary Sponsors**

Kaye Kory
Title
Misclassification of employees as independent contractors; Department of Taxation to investigate.

Description
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers’ Compensation) unless it is demonstrated that such individual is an independent contractor. The Department of Taxation shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.

Primary Sponsors
Jeion Ward

Title
Virginia Human Rights Act; pregnancy, childbirth, or related medical conditions, causes of action.

Description
Virginia Human Rights Act; pregnancy, childbirth, or related medical conditions; causes of action. Provides that no employer shall discharge any employee on the basis of pregnancy, childbirth, or related medical conditions, including lactation. Currently, the protection against discharging any employee on the basis of pregnancy, childbirth, or related medical conditions applies only to an employer employing more than five but fewer than 15 persons. This bill was incorporated into HB 1663.

Primary Sponsors
Delores McQuinn
Title
Overtime compensation; penalties.

Description
Overtime compensation; penalties. Requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The sanctions for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally.

Primary Sponsors
Ibraheem Samirah

Title
Minimum wage and workers' compensation; inmates as employees.

Description
Minimum wage and workers' compensation; inmates as employees. Requires the entity that operates the correctional facility at which an inmate performs labor to be paid therefor at a rate not less than the Commonwealth's minimum wage. The measure also provides that, for purposes of the Virginia Workers' Compensation Act, an inmate is an employee of the entity operating the correctional facility where the inmate participates in any work program during his incarceration.

Primary Sponsors
Lee Carter
Title
Contractors, Board for; misclassification of worker prohibited.

Description
Department of Professional and Occupational Regulation; Board for Contractors; misclassification of worker prohibited. Provides that the Board for Contractors (the Board) shall require a contractor to appropriately classify all workers as employees or independent contractors, pursuant to law. Any contractor who is found to have intentionally misclassified any worker is subject to sanction by the Board.

Primary Sponsors
Paul Krizek
Public and private employers; earned paid sick time for employees.

Earned paid sick time. Requires public and private employers with 25 or more employees to provide those employees with earned paid sick time. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed $150 for the first violation, $300 for the second violation, and $500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The measure also prohibits an employer of any size from discharging an employee for taking unpaid absences totaling more than 16 hours in a year for a purpose described in clauses (i) through (iv). The measure has a delayed effective date of January 1, 2021.

Primary Sponsors
Mark Sickles
Title
Minimum wage; increases to $9.50 per hour effective January 1, 2021.

Description
Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9.50 per hour effective January 1, 2021; to $10.50 per hour effective July 1, 2022; and to $11.50 per hour effective July 1, 2023. Thereafter the yearly increase is indexed to the wage region with the highest median household income. The Commissioner is required to create the wage regions based on median household income and cost of living. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Federal Labor Standards Act and to public employees. The measure provides that once the minimum wage in any wage region reaches $15.00 per hour, the yearly increase will be based on the increase in the CPI-U for the wage region with the highest median household income a proportional increase in all other wage regions. The measure creates a training wage at 75 percent the minimum wage for full-time students working less than 20 hours a week or employees in on-the-job training programs lasting less than 90 days.

Primary Sponsors
Dick Saslaw

Organizational Notes
Last edited by Brett Vassey at Feb 15, 2020, 12:59 PM
The bill was amended to provide for some regional differentiation in minimum wage less than $15 per hour, the recognition of youth and an exemption for training wage periods. The bill is driven by union organizations. The VMA and some members of the business community have provided numerous mitigation ideas to the bill patron and House/Senate Democrats, including: • Youth Exemption – Any person who is less than 22 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education or trade school, provided the person is not employed more than 20 hours per week; • Youth Exemption – 22 or less exemption is for 75% of minimum wage. A wage of not less than 75 percent of the minimum wage for any person who is less than 18 22 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education or trade school, provided the person is not employed more than 20 hours per week; • Training Exemption (for example – for those workers who are in training for up to 90 days would receive 75% of minimum wage). A training wage of not less than 75 percent of the minimum wage rate otherwise set pursuant to this section may be paid to an employee who is enrolled in an established employer on-the-job or other training program which meets standards set by regulations adopted by the Commissioner; • No consumer price index escalator • Regional Approach – Allow total compensation at $12/hour to include health benefits, insurances, bonus pay, 401(k) and pension costs (federal regulated) into the total wage. Use approximately a $1 per year increment and when $10/hour in 2023 is reached, freeze for all regions in Virginia except for Planning Districts 8 (NoVa), 15 (Metro Richmond), 23 (Hampton Roads). A study would then be conducted to evaluate the impact of continuing to raise the wage on these remaining areas of the Commonwealth with a requirement the General Assembly approves any further implementation of increasing the wage in these remaining areas of Virginia. Meanwhile PDs 8, 15, & 23 would continue to $15 by 2028 and in year 2025 when they would go to $12/hour, they would be able to calculate total compensation. Scheduled increases: Jan 1 2021 $8 Jan 1 2022 $9 Jan 1 2023 $10 Planning Districts 8, 15, and 23 continue to phase in at $1/year to $15 and rest of the state freezes until fiscal impact study is done and GA affirmatively chooses next step in the implementation of regional approach Jan 1 2024 $11 Jan 1 2025 $12 Planning 8, 15, 23 add in total comp Jan 1 2026 $13 Jan 1 2027 $14 Jan 1 2028 $15 • Temporarily suspend an increase to the minimum wage rate if it determines that the year-over-year seasonally adjusted total employment is negative. (Maryland) Begin any increase on calendar year starting w/ Jan 1, 2021 (Maryland used calendar year) This bill is opposed by the Coalition for a Strong Virginia Economy.
Title
Prevailing wage; public works contracts, penalty, effective clause.

Description
Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The 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. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Dick Saslaw

Title
Employment and public accommodation; prohibited discrimination, sexual orientation/gender identity.

Description
Prohibited discrimination; sexual orientation and gender identity. Prohibits discrimination in employment and public accommodations on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

Primary Sponsors
Adam Ebbin
### Bill 48: Nonpayment of Wages; Discriminatory Actions Prohibited

**Title:** Nonpayment of wages; discriminatory actions prohibited.

**Description:** Nonpayment of wages; discriminatory actions prohibited. Prohibits an employer from discharging or otherwise discriminating against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited discriminatory action. Available remedies include reinstatement of the employee, recovery of lost wages, and liquidated damages. The provisions of the bill are contingent on funding in a general appropriation act.

**Primary Sponsors:** Lionell Spruill

### Bill 73: Minimum Wage

**Title:** Minimum wage; increases to $10 per hour effective July 1, 2020, etc.

**Description:** Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $10 per hour effective July 1, 2020; to $13 per hour effective July 1, 2021; and to $15 per hour effective July 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.

**Primary Sponsors:** Mamie Locke
<table>
<thead>
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<th>Title</th>
<th>Minimum wage; pay based on work done.</th>
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<tr>
<td>Description</td>
<td>Minimum wage; pay based on work done. Eliminates the exemption to Virginia's minimum wage requirements for persons who normally work and are paid based on the amount of work done.</td>
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<td>Primary Sponsors</td>
<td>Janet Howell</td>
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<table>
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<tr>
<th>Title</th>
<th>Minimum wage; increases to $9.75 per hour, effective July 1, 2020, etc.</th>
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<tbody>
<tr>
<td>Description</td>
<td>Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9.75 per hour, effective July 1, 2020; to $10.75 per hour, effective July 1, 2021; to $11.75 per hour, effective July 1, 2022; to $12.75 per hour, effective July 1, 2023; to $14 per hour, effective July 1, 2024; and to $15 per hour, effective July 1, 2025, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.</td>
</tr>
<tr>
<td>Primary Sponsors</td>
<td>Dave Marsden</td>
</tr>
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Title
Prevailing wage; public works contracts, penalty.

Description
Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals.

Primary Sponsors
Barbara Favola

Title
Employment; disclosure of terms to employees.

Description
Employment; disclosure of terms. Requires every employer to furnish to its employees, at the time of the employee's hiring, (i) a written disclosure of information regarding the terms of employment, including the name and address of the employer, the rate of pay and basis thereof, and the regular payday; and (ii) a physical or digital copy of the driver's license or government-issued identification card of the employer, if the employer is a natural person, or the employee's immediate supervisor, if the employer is not an individual. The measure also requires employers to notify their employees in writing of any changes to this information.

Primary Sponsors
Dave Marsden
Title
Agreements between private employer and labor or organization; fair share fees.

Description
Fair share fees. Authorizes an employer, pursuant to an agreement between the employer and a labor union or labor organization, to require as a condition of employment any employee who is not a member of such labor union or labor organization and is a member of a collective bargaining unit, where the labor union or labor organization is the exclusive representative of the members of the collective bargaining unit, to pay a fair share fee to compensate the labor union or labor organization for the costs of representing the nonmember employee. The bill defines a “fair share fee” as the pro rata share of the portion of a labor union's or labor organization's dues attributable to activities stemming from its duty to represent all employees in a collective bargaining unit without regard to membership in the labor union or labor organization, including (i) the cost of all activities germane to collective bargaining, administration, and enforcement of collective bargaining agreements; (ii) representation of employees before public bodies in matters that are germane to either collective bargaining agreements or employer-employee relations; (iii) representation of employees during grievance procedures; and (iv) labor union or labor organization governance and administration. Under the bill, a fair share fee does not include the cost of any political activities, lobbying, organizing, charity, donations, or community service activities undertaken by the labor union or labor organization, and in no case will the fair share fee exceed 60 percent of dues required of a similarly situated member of such labor union or labor organization.

Primary Sponsors
Dick Saslaw

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<th>State</th>
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<td>VA</td>
<td>SB 426</td>
<td>Senate Passed By Indefinitely In Commerce And Labor 12 Y 3 N 2020 02 09</td>
<td>Failed</td>
<td>Oppose</td>
<td>High</td>
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Labels: MIBE, Right-to-Work, VMA Defensive Priority Bill
Employees; earned sick leave, civil penalties.

Earned paid sick time. Requires public and private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill prohibits employers from taking certain retaliatory actions against employees related to leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed $150 for the first violation, $300 for the second violation, and $500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. The bill has a delayed effective date of January 1, 2021, and incorporates SB 1069.

Primary Sponsors
Barbara Favola

Organizational Notes
Bill amended to limit mandatory sick leave to 5 days per year with no carryover provision and no payment for unused sick leave. Bill allows for existing leave policies to be substituted for this policy if they are equal. Bill applies to companies with 15 or more employees. Bill still requires leave balances to be restated for employees rehired within 12 months, requires family leave to qualify as sick leave, and requires employers to pay for "Doctor's Note" costs if employer doesn't offer employee health insurance. Bill creates new civil penalties and cause of action against employers. This bill is opposed by the Coalition for a Strong Virginia Economy.
Title
Virginia Equal Pay Act; civil penalties.

Description
Virginia Equal Pay Act; civil penalties. Prohibits public and private employers from discriminating between employees on the basis of membership in a protected class in the payment of wages or other compensation, including benefits, by paying wages or other compensation to employees who are members of a protected class at a rate less than the rate at which it pays wages or other compensation to employees who are not members of the protected class for substantially similar work. The measure also prohibits an employer from (i) discriminating between employees by providing less favorable employment opportunities on the basis of membership in a protected class, (ii) limiting an employee’s right to discuss wages, (iii) relying on the wage history of a prospective employee in considering the prospective employee for employment or determining the wages that the prospective employee is to be paid by the employer upon hire, or (iv) taking certain retaliatory actions against an employee. The measure also establishes criteria for when wage differentials between employees are permitted. The measure requires employers to (a) provide a prospective employee with the wage range for the position for which the prospective employee is applying upon request or prior to inquiring about the prospective employee’s wage expectations or providing an offer of compensation and (b) maintain records of the wages and wage rates, job classifications, and other terms and conditions of employment for a period of three years. The measure gives an employee who is the subject of a violation a right of action to recover, for certain violations, the greater of compensatory damages or $10,000, liquidated damages, punitive damages, and attorney fees. Violations are also subject to civil penalties.

Primary Sponsors
Jennifer Boysko

Organizational Notes
Last edited by Brett Vassey at Jan 30, 2020, 10:43 AM
The measure requires employers to provide a prospective employee with the wage range for the position for which the prospective employee is applying upon request or prior to inquiring about the prospective employee’s wage expectations or providing an offer of compensation. Requires the employer to provide the same to everyone annually or upon request. This would require an entire overhaul of most employers’ Human Resource management systems.
Title
Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth.

Description
Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief. The bill requires all employers to inform employees about the nondiscrimination policies created by the bill within 120 days of the bill's enactment and directs the Division of Human Rights to develop and conduct educational efforts about nondiscrimination in employment. The bill contains technical amendments.

Primary Sponsors
Jenn McClellan

Organizational Notes
Last edited by Brett Vassey at Feb 25, 2020, 11:35 AM
Primary Concerns: • Administrative Process – Allow for some type of administrative remedy to be tried and exhausted before a case ends up in court. Virginia courts are not equipped for the number of cases that will come forward under this statute. Aggrieved employees will have to wait longer for their cases to be resolved. And the process will be more adversarial. • Damage Caps – Some type of cap on punitive and compensatory damages should be included to be consistent with existing Virginia law. • Motivation Standard – Use a standard of “substantial motivating factor” for proving discrimination. This is the standard used in California which is less stringent than the federal standard of a “but for” finding. • Summary Judgment – Virginia is the only state that does not allow motions for summary judgment. Limiting their use to these types of discrimination cases will lessen the burden on the administrative processes and/or courts charged with adjudicating these cases.
Title
Virginia Minimum Wage Act; exclusions.

Description
Virginia Minimum Wage Act; exclusions. Eliminates the exclusion in the Virginia Minimum Wage Act for persons whose employment is covered by the federal Fair Labor Standards Act of 1938 (FLSA) and for persons whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability. The measure also exempts, until July 1, 2024, from the Virginia Minimum Wage Act any person who is paid pursuant to a special certificate that provides for the employment of individuals whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury at wages lower than the minimum wage otherwise required by the FLSA.

Primary Sponsors
Jenn McClellan

Title
Paid family and medical leave program; Virginia Employment Commission to establish.

Description
Paid family and medical leave program. Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2023. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2022. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

Primary Sponsors
Jennifer Boysko, Ghazala Hashmi
Title
Minimum wage; increases to $8.50 per hour on July 1, 2020, to $9.75 per hour on July 2, 2021.

Description
Minimum wage. Increases the minimum wage from its current federally mandated level of $7.25 per hour to $8.50 per hour, effective July 1, 2020; to $9.75 per hour, effective July 1, 2021; to $11 per hour, effective July 1, 2022; to $12.25 per hour, effective July 1, 2023; to $13.50 per hour, effective July 1, 2024; and to $15 per hour, effective July 1, 2025, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.

Primary Sponsors
Joe Morrissey

Title
Nonpayment of wages; cause of action, penalties.

Description
Nonpayment of wages; private action; liability for payment of wages due under construction contracts; penalties. Provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages to an employee, the court shall award the employee (i) reasonable attorney fees and other costs and (ii) an amount equal to triple the amount of wages due.

Primary Sponsors
Adam Ebbin
Title
Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth.

Description
Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions. Creates a cause of action against any employer employing more than five but fewer than 15 persons who engages in an unlawful discriminatory act against any employee on the basis of pregnancy, childbirth, or related medical conditions. Under current law, an employee who has been discriminated against on the basis of pregnancy, childbirth, or related medical conditions may only file an action against his employer if the employee is discharged by the employer on the basis of sex. The bill permits a court, in cases where the employee prevails, to award compensatory or punitive damages, and attorney fees not to exceed 25 percent of the amount awarded. The bill also clarifies that for purposes of the cause of action, discrimination on the basis of pregnancy, childbirth, or related medical conditions includes discrimination against a person because such person may become pregnant or has been pregnant.

Primary Sponsors
Barbara Favola
Title
Discrimination; prohibited in public accommodations, etc., causes of action.

Description
Prohibited discrimination; public accommodations, employment, credit, and housing: causes of action; sexual orientation and gender identity. Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual’s sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments. This bill incorporates SB 66 and SB 159.

Primary Sponsors
Adam Ebbin
## Title

**Misclassification of workers; cause of action.**

### Description

Misclassification of workers; cause of action. Authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines.

### Primary Sponsors

Dick Saslaw

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## Title

**Employees of local governments; collective bargaining.**

### Description

Labor and employment; collective bargaining; employees of counties, cities, and towns. Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that prohibition against striking for public employees applies irrespective of any such local ordinance.

### Primary Sponsors

Dick Saslaw
Title
Collective bargaining for public employees; labor organization representation.

Description
Collective bargaining for public employees. Repeals the existing prohibition on collective bargaining by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

Primary Sponsors
Jennifer Boysko
### Title
Prevailing wage; public works contracts, penalty.

### Description
Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. This bill was incorporated into HB 833.

**Primary Sponsors**
Kaye Kory

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### Title
Project labor agreements; public procurement.

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

**Primary Sponsors**
Jennifer Carroll Foy
Title
Virginia Public Procurement Act; consideration of best value concepts for construction services.

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

Primary Sponsors
Alfonso Lopez

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

Description
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.

Primary Sponsors
Scott Wyatt

Title
Project labor agreements; public procurement by local governments.

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

Primary Sponsors
Kathy Tran
Title
Project labor agreements; public procurement.

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

Primary Sponsors
Kaye Kory

State
VA

Bill Number
HB 1311

Last Action
House Incorporated By General Laws Hb 358 Lopez By Voice Vote 2020 01 30

Status
Failed

Position
Oppose

Priority
High

Labels:
Right-to-Work
VMA

State
VA

Bill Number
SB 182

Last Action
House Vote Passage 55 Y 45 N 2020 02 28

Status
Passed House

Position
Oppose

Priority
Medium

Labels:
Right-to-Work

Product Liability (9)
### Digital Devices Deactivation or Alteration

**Description**
Digital devices; deactivation or alteration of embedded software. Prohibits the original equipment manufacturer of a digital device from deactivating embedded software, defined in the bill, in the digital device or altering embedded software so as to substantially alter the functioning of the digital device as a response to its being repaired by an independent repair provider. The measure also provides that the original equipment manufacturer of a digital device shall not be liable to an owner of a digital device for any damages resulting from repair or modification to the digital device made at the request of the owner by an independent repair provider.

**Primary Sponsors**
Lee Carter

### Flavored Tobacco Products Sale or Distribution Prohibited

**Description**
Sale or distribution of flavored tobacco products prohibited; civil penalty. Prohibits the sale or distribution of flavored tobacco products, defined in the bill, and creates a civil penalty of $1,000 for a first offense and $5,000 for a second or subsequent offense.

**Primary Sponsors**
Kaye Kory
**Title**
Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality.

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

**Primary Sponsors**
Cia Price

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**Title**
Flavored tobacco products; sale prohibited, civil penalty.

**Description**
Flavored tobacco products; sale prohibited; civil penalty. Prohibits the sale, distribution, offering for sale or distribution, or causing the sale or distribution of flavored tobacco products, as that term is defined in the bill, and imposes a civil penalty not to exceed $500 for the first violation, $1000 for a second violation, $1,500 for a third violation, and $2,000 for the fourth or subsequent violation. The bill also provides that, in addition to the civil penalties, a third violation is punishable by suspension of a permit as a stamping agent for a period of 15 days, and a fourth or subsequent violation is punishable by revocation of a permit as a stamping agent and a prohibition on reapplication for a permit to act as a stamping agent for a period of three years.

**Primary Sponsors**
Patrick Hope
Title
Product safety; flame retardants, regulations, civil penalty.

Description
Product safety; flame retardants; regulations; fund; civil penalty. Prohibits the manufacture or sale in the Commonwealth, beginning July 1, 2021, of upholstered furniture intended for residential use or any product that is intended to come into close contact with a person younger than 12 years of age if such upholstered furniture or product contains any flame-retardant chemical listed in the bill. The bill requires the manufacturer of any prohibited product to notify sellers of the prohibition by March 31, 2021, and requires a manufacturer to recall by that date any products that it has sold in violation of the prohibition. Casual or isolated sales of previously owned products containing the listed chemicals are exempted from the prohibition. The bill subjects any manufacturer in the Commonwealth that manufacturers a product in violation of the provisions of the bill to a civil penalty of $5,000 for a first offense or $10,000 for a second or subsequent offense, and it directs the funds collected to the Virginia Product Safety Fund, created by the bill. Finally, the bill directs the Board of Agriculture and Consumer Services to adopt regulations to carry out the provisions of the chapter and to impose the chemical prohibition on certain other consumer products.

Primary Sponsors
Alfonso Lopez

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Title
Assault firearms and certain firearm magazines; prohibiting sale, transport, etc., penalties.

Description
Prohibiting sale, transport, etc., of assault firearms and certain firearm magazines; penalties. Expands the definition of “assault firearm” and prohibits any person from importing, selling, transferring, manufacturing, purchasing, possessing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill also prohibits a person from carrying a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place; under existing law, this prohibition applies only in certain localities. The bill makes it a Class 1 misdemeanor to import, sell, barter, or transfer any firearm magazine designed to hold more than 10 rounds of ammunition.

Primary Sponsors
Dick Saslaw
### Title
Alcoholic beverage control; expands definition of resort complex.

### Description
Alcoholic beverage control; definition of resort complex. Expands the definition of "resort complex" to include facilities that (i) are operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public and (ii) have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises. Such facilities will be permitted to obtain a mixed beverage restaurant, on-premises wine and beer, or on-and-off-premises wine and beer license.

### Primary Sponsors
John Edwards

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### Title
Tetrahydrocannabinol concentration; definition.

### Description
Tetrahydrocannabinol concentration; definition. Clarifies that certain uses of "tetrahydrocannabinol concentration" refer to delta-9-tetrahydrocannabinol. The bill contains an emergency clause.

### Primary Sponsors
Scott Surovell
Title
Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury.

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

Primary Sponsors
Scott Surovell

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Title
Income tax; state; rolling conformity with the federal Internal Revenue Code.

Description
Income tax; rolling conformity with the federal Internal Revenue Code. Provides that Virginia conform with federal tax laws on a rolling basis, which means that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. Under current law, Virginia conforms to federal tax laws as of December 31, 2018.

Primary Sponsors
Joe McNamara
Income tax, state; increases the standard deduction from Virginia taxable income.

Increasing the standard deduction from Virginia taxable income. Increases the standard deduction for taxable years beginning on and after January 1, 2020, but before January 1, 2026, by 1.8 percent to $4,581 for single individuals and $9,162 for married persons (one-half of such amounts in the case of a married individual filing a separate return).

Primary Sponsors
Joe McNamara

Additional sales and use tax in Mecklenburg County; appropriations to incorporated towns.

Additional 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.

Primary Sponsors
Tommy Wright
Income tax, state and corporate; tax credit for employers of National Guard members.

Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members. Provides for taxable years 2020 through 2024 a nonrefundable tax credit against individual and corporate income taxes for (i) wages paid by an employer to an employee who is a Virginia National Guard member or (ii) income of a self-employed National Guard member attributable to his business. The amount of the credit shall be 25 percent if such member was in a military pay status for 65 days or more during such taxable year or 15 percent if such member was in a military pay status for 45 days or more during such taxable year. The credit shall not be allowed if such member was in a military pay status for less than 45 days during such taxable year.

Primary Sponsors
Nick Freitas

Litter tax; repeals annual tax.

Litter tax. Repeals the annual litter tax. The bill does not affect any litter tax levied prior to July 1, 2020.

Primary Sponsors
Joe McNamara

Refunds of local taxes; authority of treasurer.

Refunds of local taxes; authority of treasurer. Increases from $2,500 to $5,000 the maximum amount at which the governing body of a locality may authorize its treasurer to approve and issue a refund of taxes paid as a result of an erroneous tax assessment. This bill incorporates HB 773.

Primary Sponsors
Wendy Gooditis
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<th>Status</th>
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**Title**

Green Job Creation Tax Credit; extends sunset date.

**Description**

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

**Primary Sponsors**

Karrie Delaney

**Title**

Renewable energy property; tax credit established.

**Description**

Renewable energy property tax credit. Establishes, beginning in taxable year 2020, a tax credit for renewable energy property placed in service. The bill defines “renewable energy property” as certain biomass equipment that uses renewable biomass resources, combined heat and power systems using waste heat to produce electricity or thermal or mechanical energy, certain geothermal equipment, hydroelectric generators located at existing dams or in free-flowing waterways, solar energy equipment, and wind equipment that is necessary for capturing and converting wind energy into electricity or mechanical power.

**Primary Sponsors**

Rip Sullivan

**Title**

Retail Sales and Use Tax; exemption for menstrual supplies.

**Description**

Sales and use tax exemption for menstrual supplies. Provides that menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow shall be fully exempt from sales and use tax. Under current law, such menstrual supplies are subject to a reduced rate of 1.5 percent, which also applies to food purchased for human consumption and essential personal hygiene products.

**Primary Sponsors**

Mark Keam
Title
Henry and Pittsylvania Counties and City of Danville; additional sales and use tax.

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

Primary Sponsors
Danny Marshall

Title
Litter tax; adds $100 to the existing penalty for delinquency.

Description
Litter tax; penalty. Adds $100 to the existing penalty for litter tax delinquency.

Primary Sponsors
Paul Krizek
Title
Energy saving products; tax deduction.

Description
Tax deduction for energy-saving products. Establishes a tax deduction for the amount a taxpayer pays for energy-saving products, not to exceed $10,000. Energy-saving products are defined as being either (i) solar panels or (ii) products that meet the requirements of the Energy Star program established by the U.S. Environmental Protection Agency and the U.S. Department of Energy. To qualify for the deduction, the taxpayer must spend at least $1,000 on energy-saving products. The bill also provides that a person may not claim both this deduction and the existing deduction for certain energy-efficient products during the same taxable year.

Primary Sponsors
Rodney Willett
Title
Income tax, state; rolling conformity with the Internal Revenue Code.

Description
Income tax; rolling conformity with the Internal Revenue Code; nonconformance with certain amendments. Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. The bill provides that Virginia will not conform to the reduction in the medical expense deduction floor in the federal Further Consolidated Appropriations Act, 2020. However, the bill also provides that unless subsequently adopted by the General Assembly, Virginia shall not conform to any amendments to the Internal Revenue Code that have an impact of $10 million or more on Virginia tax revenues in the fiscal year in which the amendment was enacted or any of the next four years. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and the House Committees on Appropriations and Finance, shall be responsible for determining when an amendment meets these criteria. The Secretary of Finance shall also provide an annual report to such Chairmen on the fiscal impact of amendments to the Internal Revenue Code. The bill applies to taxable years beginning on and after January 1, 2019.

Primary Sponsors
Vivian Watts

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Title
Income tax, state; indexing, Chained Consumer Price Index for All Urban Consumers.

Description
Virginia income tax; indexing; Chained Consumer Price Index for All Urban Consumers. Adjusts Virginia’s standard deduction beginning in taxable year 2020 by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. For taxable years on and after 2026, the standard deduction would return to $3,000 for an individual or a married person filing a separate return and $6,000 for married persons filing jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA), but would be adjusted by the percentage increase in the C-CPI-U for the previous taxable year. Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.

Primary Sponsors
Vivian Watts
Title
Estate tax; reinstatement.

Description
Estate tax; reinstatement. Reinstates the estate tax for persons dying on and after July 1, 2020. No estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The bill designates revenues from the estate tax to be used for health care purposes.

Primary Sponsors
Vivian Watts

Title
Income tax, corporate; combined reporting requirements.

Description
Corporate income tax; combined reporting requirements. Requires, for taxable years beginning on or after January 1, 2021, unitary combined reporting for Virginia corporate income tax purposes.

Primary Sponsors
Vivian Watts

Title
Research and development tax credits; extends sunset date, aggregate caps.

Description
Research and development tax credits; sunset; aggregate caps. Extends the sunset date for both the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2025. Beginning with taxable year 2020, the bill increases the aggregate cap of the research and development expenses tax credit from $7 million to $7.77 million and increases the aggregate cap of the major research and development expenses tax credit from $20 million to $22 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1.

Primary Sponsors
Jay Jones
Title
Commercial and industrial property; additional real property tax in certain localities.

Description
Additional real property tax on commercial and industrial property in certain localities. Authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to $0.10 per $100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments.

Primary Sponsors
Dave LaRock

Title
Local taxing authority; equalizes city and county taxing authorities.

Description
Local taxing authority. Equalizes city taxing authority and county taxing authority by granting a county the same authority to impose taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed.

Primary Sponsors
Vivian Watts
### Title
Retail Sales and Use Tax; exemption for certain gun safes.

### Description
Sales tax exemption; gun safes. Establishes an exemption from retail sales tax for a gun safe with a selling price of $1,500 or less. The bill defines a gun safe as a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. Under the bill, a gun safe does not include a glass-faced cabinet.

### Primary Sponsors
Eileen Filler-Corn

### Title
Income tax, state; credit for employer contributions to Virginia College Savings Plan accounts.

### Description
Income tax credit; employer contributions to Virginia College Savings Plan accounts. Provides a nonrefundable income tax credit for taxable years beginning on or after January 1, 2020, but before January 1, 2025, for 35 percent of expenses incurred by a business during the taxable year for contributions into a Virginia College Savings Plan account owned by an employee of the business. If the employee receiving the contribution is a qualified employee, as defined in the bill, the credit shall not exceed $500 annually for each such employee. If the recipient receiving the contribution is a qualified employee who is not highly compensated, as defined in the bill, the credit shall not exceed $1,000 annually for each such employee. The total amount of tax credits available for a calendar year shall not exceed $5 million. Any unused tax credit may be carried over for three years.

### Primary Sponsors
Carrie Coyner
Title
Firearms and ammunition; imposes additional sales and use tax, use of proceeds.

Description
Additional state sales tax on firearms and ammunition; use of proceeds; Student Mental Health and Safety Fund and Program. Imposes an additional sales and use tax on the retail sale of firearms and ammunition. The amount of the tax shall be 10 percent minus the amount of tax imposed by all other sales and use taxes levied by the Commonwealth. Revenues from the tax shall be deposited in the Student Mental Health and Safety Fund (the Fund), which is established by the bill. In addition to the Fund, the bill creates the Student Mental Health and Safety Program (the Program). The Program and Fund shall provide grants on a competitive basis to public school divisions for the purpose of funding full-time school counselor positions at a ratio of 250:1 or better, school social worker positions at a ratio of 400:1 or better, and school psychologists at a ratio of 500:1 or better.

Primary Sponsors
Mark Levine

Title
County food and beverage tax; allowable tax rate, removal of referendum requirement.

Description
County food and beverage tax; allowable tax rate; removal of referendum requirement. Removes the four percent limit on the tax rate that counties may impose on food and beverages. The bill also removes the requirement that a county hold a referendum before imposing such a tax. The bill was incorporated into H.B. 729.

Primary Sponsors
Paul Krizek
Title
Tobacco products; tax on all tobacco products, penalties.

Description
Taxes on tobacco products; penalties. Provides that tobacco products, defined in the bill, would be subject to tax at rates of $1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of $0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law.

Primary Sponsors
Patrick Hope

Title
Income tax, state; credit for existing business growth.

Description
Income tax credit; existing business growth. Provides a nonrefundable income tax credit equal to five percent of total corporate income taxes owed by certain small businesses in existence for at least two years that reach new full-time employee hiring thresholds during two-year qualifying periods. The credit is available for taxable years 2020 through 2039 and is awarded for the taxable year during which each qualifying period ends. Existing businesses qualify for the tax credit on the basis of their size during the qualifying period. The credit may be claimed only once in each qualifying period. Businesses claiming the credit may carry over unused credit for the next five taxable years or until the total amount of the credit has been taken, whichever occurs first.

Primary Sponsors
William Wampler
Title
Carbon dioxide cap and trade program; establishes program, etc.

Description
Regional Greenhouse Gas Initiative; Energy Efficiency Fund. Directs the Department of Environmental Quality (DEQ) to implement the final carbon trading regulation as approved by the Air Pollution Control Board providing for the establishment of a carbon dioxide cap and trade program. The measure directs the Commonwealth to become a member of the Regional Greenhouse Gas Initiative (RGGI). Pursuant to the Commonwealth's participation in the RGGI program, the Department shall seek to sell 100 percent of all allowances issued each year through the allowance auction. The measure authorizes the Director of the DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program. The measure establishes the Energy Efficiency Fund and requires that all proceeds received from the sale of allowances conducted through the RGGI program be paid into the state treasury and credited to the Fund. Not less than 50 percent of the proceeds received from the sale of allowances shall be credited to an account to support energy efficiency programs, with at least 20 percent of the proceeds being directed to low-income energy efficiency programs. Not more than three percent of the proceeds shall be used to cover reasonable administrative expenses. The remaining funds will revert to the general fund. This bill was incorporated into HB 981.

Primary Sponsors
Alfonso Lopez

Labels: Greenhouse Gas, VMA Defensive Priority Bill

Title
Litter taxes; increases annual amount of tax.

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

Primary Sponsors
Alfonso Lopez

Labels: Excise & Industry-Specific, VMA Defensive Priority Bill
Title
Certified pollution control equipment and facilities; tax exemption, timing of certification.

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

Primary Sponsors
Alfonso Lopez

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Title
Taxation, Department of; period of limitations, amended returns, refunds.

Description
The Department of Taxation; period of limitations; amended returns; refunds. Increases the period within which a taxpayer may file an amended return with the Department of Taxation from three years to seven years from the last day prescribed by law for the timely filing of the return. The bill increases the period within which a refund may be made for overpayment upon discovery by the Department or on written application of the taxpayer from three years to seven years from the last day prescribed by law for the timely filing of the return.

Primary Sponsors
Kathy Tran
Title
Income tax, state; amended return notice, interest accrual period.

Description
State income tax; amended return notice; interest accrual period. Provides that if the Department of Taxation is made aware that a taxpayer is required to file an amended federal income tax return, the Department would be required to notify such taxpayer in writing regarding whether an amended Virginia income tax return is also required to be filed. This requirement would apply with respect to taxpayers subject to the individual income tax, corporate income tax, and the income tax imposed on estates and trusts. This bill would give the Department the discretion to waive interest due on an underpayment of income taxes or the pass-through entity nonresident withholding tax if a return was submitted in good faith and the understatement of the amount in the return was not due to any fault of the taxpayer. Under current law, the Department is required to waive any applicable penalties in this situation, but does not have the authority to waive interest.

Primary Sponsors
Kathy Tran

Title
Transient occupancy tax; certain counties.

Description
Transient occupancy tax; certain counties. Adds Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose a transient occupancy tax at a rate above two percent, but not to exceed five percent. The revenue attributable to a rate in excess of two percent shall be used solely for tourism and travel purposes. Current law allows all counties to impose a transient occupancy tax at a rate not to exceed two percent.

Primary Sponsors
Keith Hodges
### Title
Fossil fuel investments; tax on electric utilities.

### Description
Tax on fossil fuel investments by electric utilities. Imposes a tax on investor-owned electric utilities and electric cooperatives based on the amount that the utility invests in a year on fossil fuel infrastructure. The rate of the tax starts at 2.5 percent of the amount that a utility's fossil fuel investments in 2021 and increases in annual increments thereafter until reaching 100 percent in 2040 and thereafter. The measure directs that the revenue collected from the tax shall be deposited into the Clean Energy Development Fund and used to pay administrative costs of the Department of Mines, Minerals and Energy; reduce the electric utility bills of customers that opt to purchase electricity from renewable energy sources; invest in renewable electric energy generation sources in low-income communities; establish and fund block grants to enable community solar facilities and energy storage installation; and enable attainment of renewable portfolio standards based on regulations adopted by the Department.

### Primary Sponsors
Daniel Helmer

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### Title
Property taxes; generating equipment of electric suppliers utilizing wind turbines.

### Description
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.

### Primary Sponsors
Terry Austin
Income tax, state; eliminating liability.

Eliminating individual income tax liability. Eliminates individual income tax liability starting in taxable year 2020 by reducing to zero the rate that applies to all taxable income. Entities such as trusts and partnerships, which also are taxed under the individual income tax system, would continue to be subject to taxation at the same rates as they are under current law.

Primary Sponsors
Michael Webert

Commonwealth's tax system; conformity with the Internal Revenue Code.

Conformity to Internal Revenue Code. Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill is identical to SB 582.

Primary Sponsors
Vivian Watts
### Local Tax Exemption for Solar Energy Equipment

**Title**
Local tax; exemption for solar energy equipment.

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

**Primary Sponsors**
Jay Jones

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### Gun Safes Exemption from Sales Tax for Sales of Safes

**Title**
Gun safes; exemption from sales tax for sales of safes.

**Description**
Exemption from sales tax for sales of gun safes.

**Primary Sponsors**
Dave LaRock

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### Central Virginia Transportation Authority; Created

**Title**
Central Virginia Transportation Authority; created.

**Description**
Creation of the Central Virginia Transportation Authority; funding. Creates the Central Virginia Transportation Authority, composed of 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 2.1 percent wholesale gas tax.

**Primary Sponsors**
Delores McQuinn
### Title
Income tax, state and corporate; deduction for commuter benefits provided by an employer.

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

### Primary Sponsors
Vivian Watts

### Title
Treasurers, local; power to summon taxpayers and other persons.

### Description
Local treasurers; power to summon taxpayers and other persons. Provides that a local treasurer's power to summon a taxpayer or other person to answer questions under oath or produce documents for the purpose of collecting delinquent amounts owed to the locality applies to any amounts, charges, or fees owed to the locality as well as to taxes owed to the locality. The bill contains a technical amendment.

### Primary Sponsors
Steve Heretick

### Title
Hopewell, City of; amending charter, issuance of bonds.

### Description
Charter; City of Hopewell. Exempts from a referendum requirement bonds issued for the construction, improvement, expansion, or replacement of existing public buildings or facilities, and authorizes the City to replace existing buildings or facilities on an alternative site.

### Primary Sponsors
Carrie Coyner
Title
Consolidated corporate income tax; returns of affiliated corporations.

Description
Consolidated corporate income tax returns of affiliated corporations. Simplifies the process by which companies elect to switch to consolidated corporate income tax return filing status and reduces from 20 to five years the period during which the affiliated group of corporations must have filed on the same basis prior to switching to consolidated return filing status. Current law requires a group of corporations to apply to the Tax Commissioner for permission to change the basis of the type of return filed and to meet some specific requirements in order for permission to be granted.

Primary Sponsors
Mark Keam

Title
Commonwealth's taxation system; conformity with the Internal Revenue Code.

Description
Conformity of the Commonwealth's taxation system with the Internal Revenue Code; net interest deduction.

Primary Sponsors
Rip Sullivan

Title
Hampton Roads Regional Transit Program and Fund; transit funding.

Description
Transportation funding in the Hampton Roads region. Raises additional revenues for the Hampton Roads Transportation Fund by levying a regional grantors tax and a regional transient occupancy tax. The bill provides that the new revenues generated shall be used operate a regional system of inter-jurisdictional, high-frequency bus service in the region.

Primary Sponsors
Alex Askew
Title
Research and development tax credits; extends sunset date, aggregate caps.

Description
Research and development tax credits; sunset; aggregate caps. Extends the sunset date for both the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2030. Beginning with taxable year 2021, the bill increases the aggregate cap of the research and development expenses tax credit from $7 million to $8.4 million and increases the aggregate cap of the major research and development expenses tax credit from $20 million to $24 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1.

Primary Sponsors
Janet Howell

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Title
Legislation; negative local fiscal impact on local government.

Description
Legislation affecting local government expenditures and revenues. Requires legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly. If a standing committee of the General Assembly to which a bill is referred that was not introduced by December 15 determines that a bill has a negative local fiscal impact, the bill shall be rereferred to the House or Senate Committee on Rules as appropriate. If the Committee on Rules determines that there is a negative local fiscal impact, the bill shall be ruled out of order. The bill also requires the Commission on Local Government to work with the Virginia Association of Counties and the Virginia Municipal League to develop processes and procedures for a review of fiscal impact of legislation.

Primary Sponsors
Mark Peake
Title
Single-use plastic and expanded polystyrene products; local prohibition, local tax.

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

Primary Sponsors
Barbara Favola

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

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

Primary Sponsors
Tommy Norment
Retail Sales and Use Tax; exemption for menstrual supplies.

Sales and use tax exemption for menstrual supplies. Provides that menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow shall be fully exempt from sales and use tax. The exemption would be available from July 2021 to July 2026. Under current law, such menstrual supplies are subject to a reduced state sales tax rate of 1.5 percent, which also applies to food purchased for human consumption and essential personal hygiene products, as well as a local sales tax rate of 1 percent. The bill has a delayed effective date of July 1, 2021. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Jennifer Boysko

Title
Sales and use tax; allocation in certain counties & cities of historic significance.

Description
Allocation of additional sales and use tax in certain counties and cities of historic significance for the planning and construction of a shared sports facility. Requires that the City of Williamsburg and the Counties of James City and York each allocate 10 percent of the revenues received from the Historic Triangle sales and use tax for the planning and construction of a shared sports facility. If the three localities do not approve the development of a shared sports facility by July 1, 2021, Chapter 850 of the Acts of Assembly of 2018 that created and authorized the additional sales and use tax will expire.

Primary Sponsors
Tommy Norment
Title
Transient occupancy tax; authorizes Prince George County to impose.

Description
Additional transient occupancy tax in Prince George County. Authorizes Prince George County to impose an additional transient occupancy tax at a rate of two percent, for a total maximum rate of seven percent. The revenue from the additional tax shall be used solely for tourism purposes.

Primary Sponsors
Frank Ruff

Title
Retail Sales and Use Tax; exemption for certain gun safes.

Description
Sales tax exemption; gun safes. Establishes an exemption from retail sales tax for a gun safe with a selling price of $1,500 or less. The bill defines "gun safe" as a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. Under the bill, "gun safe" does not include a glass-faced cabinet.

Primary Sponsors
John Bell

Title
Tangible personal property tax; classes of property, satellites.

Description
Tangible personal property tax; classes of property; satellites. Extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029. This bill is identical to HB 724.

Primary Sponsors
John Bell
### Title
Motor vehicle fuels; sales tax in certain counties and cities.

### Description
Motor vehicle fuels sales tax in certain counties and cities. Imposes a regional motor vehicle fuels sales tax at a rate of 7.6 cents per gallon and gasoline and 7.7 cents per gallon of diesel fuel in any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The new revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also converts the existing regional motor vehicle fuels sales in Northern Virginia, Hampton Roads, and the Interstate 81 Corridor from tax from a percentage of the distributor price of a gallon of gasoline to this same cents per gallon rate. The rate will be indexed each year beginning July 1, 2021.

### Primary Sponsors
John Edwards

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### Title
Local taxing authority; equalizes city and county taxing authorities.

### Description
Local taxing authority. Equalizes city taxing authority and county taxing authority by granting a county the same authority available to impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed. The bill retains a restriction that applies to counties under current law and requires that any transient occupancy tax revenue attributable to a rate of between two and five percent must be used for tourism marketing.

### Primary Sponsors
Barbara Favola

### Organizational Notes
Equalization of local government taxation authority must include a comprehensive restructuring of all taxing authority including the elimination of the machinery and tools tax as well as the BPOL tax.
Title
Commonwealth’s tax system; conformity with the Internal Revenue Code.

Description
Conformity to Internal Revenue Code. Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deconforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill is identical to HB 1413.

Primary Sponsors
Janet Howell

Title
Localities; authority to levy taxes.

Description
Local tax authority. Modifies the restrictions that currently apply to county admission, cigarette, food and beverage, and transient occupancy taxes. The bill authorizes all counties to tax cigarettes at up to 40 cents per pack. The bill limits the cigarette tax rate of cities and towns to 40 cents per pack or the rate in effect on January 1, 2020, whichever is greater. Under current law, there is no limit on the cigarette tax rate that may be imposed by a city or town.

Primary Sponsors
Emmett Hanger
Title
Motor vehicle fuels; sales tax in certain counties and cities.

Description
Motor vehicle fuels sales tax in certain counties and cities. Imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also requires the Secretary of Transportation to develop a plan to ensure a fair, equitable, and sustainable mode of highway-use taxation.

Primary Sponsors
Emmett Hanger

Title
Estate tax; reinstatement.

Description
Estate tax; reinstatement. Reinstates the estate tax for persons dying on and after July 1, 2020. No estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The bill designates revenues from the estate tax to be used for health care purposes.

Primary Sponsors
Scott Surovell
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<th>State</th>
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<td>94.4% 70.8%</td>
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**Title**
Food and beverage tax; county imposing a tax greater than four percent.

**Description**
County food and beverage tax. Eliminates the limit that restricts a county from imposing a food and beverage tax (commonly referred to as the meals tax) at a rate greater than four percent. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, the tax limit and referendum requirement apply to counties but not cities. This bill was incorporated into SB 588.

**Primary Sponsors**
Monty Mason

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<td>94.4% 70.8%</td>
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**Title**
Certified pollution control equipment and facilities; tax exemption, timing of certification.

**Description**
Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. This bill is identical to HB 1173.

**Primary Sponsors**
Monty Mason
Title
Interstate 81 Corridor; motor vehicle fuels sales tax.

Description
Interstate 81 Corridor; motor vehicle fuels sales tax. Limits the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located.

Primary Sponsors
Mark Obenshain

Title
Marine Resources Commission; permit fees, pier application, oyster fund.

Description
Marine Resources Commission permit fees; pier application; oyster fund. Requires the submission of an application to the Marine Resources Commission for review and processing prior to the construction of a private pier by an owner of riparian land. The bill creates a nonrefundable processing fee of $100 to accompany each such application. The bill imposes a fee of $600 for a new category of projects costing more than $500,000. The bill increases the range of royalties for the removal of bottom material from $0.20-$0.60 per cubic yard to $0.40-$0.80. The bill authorizes the Commission to increase or decrease fees every three years for certain marine habitat applications, permits, leases, rents, and royalties at a rate no greater than the change in the Consumer Price Index. Finally, the bill establishes the Oyster Leasing, Conservation, and Repletion Programs Fund for the purpose of administering the Commission's oyster ground leasing program and its oyster conservation and repletion program. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Monty Mason
Classification of land and improvements for tax purposes; City of Richmond.

Classification of land and improvements for tax purposes; City of Richmond. Authorizes the City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land upon which the improvements are located, provided that the tax rate is not zero and does not exceed the rate of tax rate imposed on the land. Under current law, the Cities of Fairfax, Roanoke, and Poquoson have the authority to tax improvements and land at different rates.

Primary Sponsors
Jenn McClellan

Income tax, corporate; combined reporting requirements.

Corporate income tax; combined reporting requirements. Requires, for taxable years beginning on or after January 1, 2021, unitary combined reporting for Virginia corporate income tax purposes.

Primary Sponsors
Dave Marsden

County food and beverage tax; eliminates limit that restricts a county from imposing.

County food and beverage tax. Eliminates the limit that restricts a county from imposing a food and beverage tax (commonly referred to as the meals tax) at a rate greater than four percent. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, the tax limit and referendum requirement apply to counties but not cities. This bill was incorporated into SB 588.

Primary Sponsors
Lynwood Lewis
Title
Real property; tax exemption for certified pollution control equipment and facilities.

Description
Real property tax exemption for certified pollution control equipment and facilities. Advances the sunset date of the real property tax exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts from 2024 to 2021.

Primary Sponsors
Lynwood Lewis

Title
Tobacco products; tax on all tobacco products, penalties.

Description
Taxes on tobacco products; penalties. Provides that tobacco products, defined in the bill, would be subject to tax at rates of $1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of $0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law.

Primary Sponsors
Adam Ebbin, Jennifer Boysko
### Title
Transit funding; raises the existing regional transportation fee, etc.

### Description
Transit funding. Raises the existing regional transportation fee, a grantor's tax, from $0.15 per $100 to $0.20 per $100 for localities in the Northern Virginia Transportation Authority that are also members of the Northern Virginia Transportation District. The bill requires half of the revenues to be deposited in the Northern Virginia Transportation Authority Fund and half to be deposited in the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund. The rate of tax in the other localities will remain at $0.15 per $100, with one-third of the revenues to be retained by the locality to be used for transportation purposes and the other two-thirds to be deposited in the Northern Virginia Transportation District Fund. The bill also raises the existing transient occupancy tax in the localities located in the Northern Virginia Transportation District from $2 to $3, with all of the revenues from the tax being used to support WMATA.

### Primary Sponsors
Dick Saslaw

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### Title
Cigarette tax, local; authorizes all counties to impose without rate limit.

### Description
Local cigarette tax; authorize all counties to impose without rate limit. Permits any county to impose a cigarette tax. Under current law, only the Counties of Arlington and Fairfax have such authority. The bill provides that there shall be no limitation on the cigarette tax rate imposed by counties. Under current law, cities and towns may impose the tax without limitation on the rate, but the Counties of Arlington and Fairfax may impose the tax at a rate not to exceed the amount levied under state law ($0.30 per pack). This bill was incorporated into SB 588.

### Primary Sponsors
Mamie Locke
Title
Mecklenburg County; additional sales and use tax, appropriations to incorporated towns.

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

Primary Sponsors
Frank Ruff

State  Bill Number  Last Action  Status  Position  Priority  FN Outlook
VA    SB 943    Senate Title Replaced 20108349 D H 1 2020 02 26  Passed House  None  None  94.5%  71.7%

Title
Income and receipts taxes on public service corporations; authorizing localities.

Description
Income and receipts taxes on public service corporations; authorizing localities to assess and tax real and personal property of public service corporations. Repeals existing state and local gross receipts, revenue, and alternative minimum taxes that currently apply to public service corporations. The bill eliminates the authority of the State Corporation Commission to assess the tax value of real and personal property of public service corporations and eliminates the authority of the Department of Taxation to assess the tax value of real and personal property of railroads and pipeline transmission companies. However, the Department of Taxation would retain such authority with respect to rolling stock.

Primary Sponsors
Frank Ruff
### Title
Vehicle registration fees; Public Safety Trust Fund.

### Description
Vehicle registration fees; Public Safety Trust Fund. Imposes an additional $4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The revenues in the Public Safety Trust Fund would be used to address staffing, retention, and pay suppression issues at the Department of State Police.

### Primary Sponsors
John Edwards

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### Title
Business entities; annual registration.

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

### Primary Sponsors
Bryce Reeves
Title
Advanced Production Grant Program and Fund; created.

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

Primary Sponsors
Frank Ruff

Title
Income tax, corporate; returns of affiliated corporations, effective date.

Description
Corporate income tax returns of affiliated corporations. Provides that, for taxable years 2020 through 2021, certain affiliated corporations may elect to switch to or from consolidated corporate income tax return filing status under certain conditions. The option would be available only to a group with at least one affiliate that is (i) a bank exempt from filing a Virginia corporate income tax return or (ii) an aerospace manufacturer. Current law requires a group of corporations to apply to the Tax Commissioner for permission to change the basis of the type of return filed and to meet certain specified requirements in order for permission to be granted. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors
Lynwood Lewis
Title
Safety belt system; all occupants of motor vehicles to utilize.

Description
Safety belt system use in motor vehicles. Requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements by a person occupying a front seat from a secondary offense to a primary offense. This bill was incorporated into HB 1414.

Primary Sponsors
Paul Krizek

Title
Motor vehicle safety inspection program; abolishes the state program.

Description
Motor vehicle safety inspection program. Abolishes the state motor vehicle safety inspection program.

Primary Sponsors
Joe McNamara

Title
Toll facilities; free use by teachers, firefighters, and emergency medical services personnel.

Description
Free use of toll facilities; teachers, firefighters, and emergency medical services personnel. Authorizes any teacher employed by a public school district, firefighter, or emergency medical services personnel to use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while traveling between his place of residence and his place of employment.

Primary Sponsors
Don Scott
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<td>registration fees.</td>
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<td>Registration fees for vehicles not designed or used for</td>
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<td>transportation of passengers. Exempts trucks weighing less than</td>
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<td>26,000 pounds from the additional truck registration fee. The bill</td>
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<td>also exempts trucks, regardless of weight, that are driven less than</td>
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<td>25,000 miles per year.</td>
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<td>Danny Marshall</td>
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<td>emissions vehicle program.</td>
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<td>Description</td>
<td>VMA Defensive Priority Bill</td>
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<td>State Air Pollution Control Board; low-emissions vehicle program.</td>
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<tr>
<td>Directs the State Air Pollution Control Board to implement a low-</td>
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<td>emissions motor vehicle program based on the motor vehicle standards</td>
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<td>authorized by Section 177 of the Federal Clean Air Act.</td>
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<td>Mark Keam</td>
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<td>Overweight permits; forest products. Clarifies that the definition of</td>
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<td>forest products for the purpose of qualifying for an overweight</td>
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<td>permit for hauling forest products includes wood pellets.</td>
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<td>Primary Sponsors</td>
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<td>Roz Tyler</td>
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Title
Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.

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

Primary Sponsors
Eileen Filler-Corn

Title
Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020; created.

Description
Transportation bonds; I-81. Authorizes issuance of bonds in an amount up to $2 billion for revenue-producing projects in the Interstate 81 corridor.

Primary Sponsors
Terry Austin

Title
Central Virginia Transportation Authority; created.

Description
Creation of the Central Virginia Transportation Authority; funding. Creates the Central Virginia Transportation Authority, composed of 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 2.1 percent wholesale gas tax.

Primary Sponsors
Delores McQuinn
Title
Regional transportation sector emissions programs; participation by Commonwealth.

Description
Regional transportation sector emissions programs; participation by Commonwealth. Prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency.

Primary Sponsors
Charlie Poindexter

Title
Hampton Roads Regional Transit Program and Fund; transit funding.

Description
Transportation funding in the Hampton Roads region. Raises additional revenues for the Hampton Roads Transportation Fund by levying a regional grantors tax and a regional transient occupancy tax. The bill provides that the new revenues generated shall be used operate a regional system of inter-jurisdictional, high-frequency bus service in the region.

Primary Sponsors
Alex Askew

Title
Motor vehicle safety inspection program; abolishes the state program.

Description
Motor vehicle safety inspection program. Abolishes the state motor vehicle safety inspection program.

Primary Sponsors
Dave Suetterlein
Title
Overweight permits; forest products.

Description
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.

Primary Sponsors
Louise Lucas

Title
Motor vehicle fuels; sales tax in certain counties and cities.

Description
Motor vehicle fuels sales tax in certain counties and cities. Imposes a regional motor vehicle fuels sales tax at a rate of 7.6 cents per gallon and gasoline and 7.7 cents per gallon of diesel fuel in any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The new revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also converts the existing regional motor vehicle fuels sales in Northern Virginia, Hampton Roads, and the Interstate 81 Corridor from tax from a percentage of the distributor price of a gallon of gasoline to this same cents per gallon rate. The rate will be indexed each year beginning July 1, 2021.

Primary Sponsors
John Edwards
Title
Motor vehicle fuels; sales tax in certain counties and cities.

Description
Motor vehicle fuels sales tax in certain counties and cities. Imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also requires the Secretary of Transportation to develop a plan to ensure a fair, equitable, and sustainable mode of highway-use taxation.

Primary Sponsors
Emmett Hanger

Title
Interstate 81 Corridor; motor vehicle fuels sales tax.

Description
Interstate 81 Corridor; motor vehicle fuels sales tax. Limits the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located.

Primary Sponsors
Mark Obenshain

Title
Vehicle registration fees; Public Safety Trust Fund.

Description
Vehicle registration fees; Public Safety Trust Fund. Imposes an additional $4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The revenues in the Public Safety Trust Fund would be used to address staffing, retention, and pay suppression issues at the Department of State Police.

Primary Sponsors
John Edwards
Title
Unemployment compensation; amends various provisions regarding compensation.

Description
Unemployment compensation. Amends various provisions regarding unemployment compensation and the Virginia Employment Commission. The bill provides that (i) the Commission shall base its determination on whether an individual is an employee on the standard used by the Internal Revenue Service for such determinations; (ii) for the purposes of unemployment compensation, "wages" does not include any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code; and (iii) in an unemployment compensation claims adjudication matter, each day a person fails to obey a subpoena issued by a court, a court order, or a subpoena issued by the Commission shall be deemed to be a separate offense. Additionally, the bill requires (a) employing units to establish an account with the Commission by the end of the calendar quarter in which it becomes subject to the requirements for unemployment compensation, (b) an employer that has become subject to liability under the unemployment compensation provisions to submit the required reports by the due date of the calendar quarter in which the employer has initially become subject to such liability, and (c) all employers to file their quarterly payroll and tax reports on an electronic medium using a format prescribed by the Commission. Under current law, only employers with 100 or more employees are required to file electronically.

Primary Sponsors
John Edwards
Title
Expanded polystyrene food service containers; definitions, prohibition on dispensing, civil penalty.

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

Primary Sponsors
Betsy Carr

Bill Summary: Last edited by Brett Vassey at Feb 5, 2020, 10:01 PM
Bans legal, recyclable and FDA regulated Polystyrene food packaging.

Labels:
- Plastics
- VCC Defensive Priority Bill
- VMA Defensive Priority Bill

Organizational Notes
Last edited by Brett Vassey at Feb 25, 2020, 11:00 AM
Bill should be conformed to SB11 that does not ban any legal and regulated product. Food contact products are FDA regulated. New Consumer Choice Coalition formed to involve consumers - https://consumerchoices.org/virginia/take-action-virginia/ Patron rejected compromise, so Consumer Choice Coalition successfully got a "re-enactment clause" inserted into the bill on the Senate floor. The bill now goes to a committee of conference.
Title
Disposable plastic bag: local tax.

Description
Plastic bag fee. Imposes, beginning July 1, 2021, a statewide fee of five cents per bag on disposable plastic bags provided to consumers of tangible personal property, with certain bags being exempt from the fee. Revenues from the fee are collected by the Tax Commissioner and distributed equally into the Virginia Water Quality Improvement Fund and the Litter Control and Recycling Fund. The bill also allows every retailer that collects the fee to retain one cent of the five-cent fee, provided that such retailer discounts are accounted for in the form of a deduction when submitting the tax return and the amount due is paid in a timely manner.

Primary Sponsors
Betsy Carr

Organizational Notes
Last edited by Brett Vassey at Feb 9, 2020, 9:41 PM
Any tax revenue should be deposited into the VA Litter Fund or similar fund to pay for local government recycling infrastructure.

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

Description
Commissioner of Health; study of the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrte (PFBA), perfluorooheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyperfluoroalkyl substances (PFAS) in the Commonwealth's public drinking water; report. Directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrte (PFBA), perfluorooheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyperfluoroalkyl 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.

Primary Sponsors
Liz Guzman
Title
Product safety; liquid containers containing bisphenol A prohibited, civil penalty.

Description
Product safety; liquid container containing bisphenol A; fund; civil penalty. Prohibits the manufacture, sale, or distribution in the Commonwealth, beginning July 1, 2023, of any container intended for the storage of liquid food or beverages that contains the industrial chemical bisphenol A (BPA). The bill imposes certain requirements on any substitute chemical used by a manufacturer in place of BPA. The bill subjects any manufacturer in the Commonwealth that violates any provision of the bill to a civil penalty of $5,000 for a first offense or $10,000 for a second or subsequent offense, and it directs the funds collected to the Virginia Product Safety Fund, created by the bill. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations to carry out its provisions.

Primary Sponsors
Ibraheem Samirah

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Title
Expanded polystyrene food service containers; prohibition, civil penalty.

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

Primary Sponsors
Paul Krizek
### Title
Discharge of deleterious substance into state waters; notice to State Water Control Board.

### Description
Discharge of deleterious substance into state waters; notice. Requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board. Current law requires written notice to be given only to the Director of the Department of Environmental Quality. The bill also requires the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. This bill was incorporated into HB 1205.

### Primary Sponsors
Alfonso Lopez

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### Title
Product safety; flame retardants, regulations; civil penalty.

### Description
Product safety; flame retardants; regulations; fund; civil penalty. Prohibits the manufacture or sale in the Commonwealth, beginning July 1, 2021, of upholstered furniture intended for residential use or any product that is intended to come into close contact with a person younger than 12 years of age if such upholstered furniture or product contains any flame-retardant chemical listed in the bill. The bill requires the manufacturer of any prohibited product to notify sellers of the prohibition by March 31, 2021, and requires a manufacturer to recall by that date any products that it has sold in violation of the prohibition. Casual or isolated sales of previously owned products containing the listed chemicals are exempted from the prohibition. The bill subjects any manufacturer in the Commonwealth that manufactures a product in violation of the provisions of the bill to a civil penalty of $5,000 for a first offense or $10,000 for a second or subsequent offense, and it directs the funds collected to the Virginia Product Safety Fund, created by the bill. Finally, the bill directs the Board of Agriculture and Consumer Services to adopt regulations to carry out the provisions of the chapter and to impose the chemical prohibition on certain other consumer products.

### Primary Sponsors
Alfonso Lopez
### Title
Hazardous Waste Site Inventory; DEQ to publish, update annually.

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

### Primary Sponsors
Alfonso Lopez

### Organizational Notes
Last edited by Brett Vassey at Jan 17, 2020, 12:00 PM
The patron has agreed to an amendment in the nature of a substitute that the VMA will not oppose. The bill will be converted into a DEQ report. 1. That the Code of Virginia is amended by adding a section numbered 10.1-1186.1:1 as follows: § 10.1-1186.1:1. Hazardous Waste Site Inventory. A. The Department shall compile and maintain a Hazardous Waste Site Inventory (the Inventory), comprising a current listing of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste, as defined in § 10.1-1400 and not otherwise excluded from regulation as hazardous waste, has occurred. The Inventory shall contain specific information about each listed site, including (i) the location of the site, (ii) the nature and known characteristics of the wastes disposed of at the site, and (iii) the status of any remedial or corrective action undertaken or planned for the site. However, the department shall only disclose information not otherwise subject to an existing Freedom of Information Act (FOIA) exemption. B. The Department shall publish the Inventory by July 1, 2021, update it at least annually thereafter, and post it on the Department's website.

### Title
Plastic bag tax; use of revenues.

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

### Primary Sponsors
Alfonso Lopez
Title
Hazardous Substance Aboveground Storage Tank Fund; created.

Description
Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Primary Sponsors
Alfonso Lopez

Organizational Notes
Last edited by Brett Vassey at Feb 9, 2020, 9:34 PM
Subcommittee questioned this bill’s assignment to it. Bill identical to Senate Bill (Sen Surovell).
<table>
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<tr>
<th>Title</th>
<th>Description</th>
<th>Primary Sponsors</th>
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<tr>
<td>Discharge deleterious substance in state waters; notice to citizens if detrimental to public health.</td>
<td>Discharge of deleterious substance into state waters; notice. Requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health, local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists within 12 hours of receipt of the information, unless DEQ makes an initial determination that the discharge will have a de minimis impact on state waters. Current law only requires certain of these disclosures and only when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the State Water Control Board determines that the discharge may impair state waters. The bill also requires the Department of Environmental Quality, if the Virginia Department of Health determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within 12 hours of receipt of such determination. This bill incorporates HB 1128.</td>
<td>Kathy Tran</td>
</tr>
<tr>
<td>Drinking water supplies; maximum contaminant levels, effective date.</td>
<td>Drinking water supplies; maximum contaminant levels. Directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) PFOS, PFOA, and other PFAS compounds, as deemed necessarily; (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.</td>
<td>Sam Rasoul</td>
</tr>
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</table>

Organizational Notes

Last edited by Brett Vassey at Feb 25, 2020, 11:08 AM
Senate substitute neutralizes the economic impact and reverses the House mandates and reduced notice time period.
**Title**  
Plastic bag tax; use of revenues.

**Description**  
Plastic bag tax; use of revenues. Allows localities to impose a five-cent ($0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores in the Commonwealth. The bill also (i) requires every retailer to provide recycling receptacles at its place of business for such disposable plastic bags and (ii) allows every retailer that collects the tax to retain one cent ($0.01) of every five cents ($0.05) collected. The tax is to be administered in the same manner as the retail sales and use tax, and all revenues from the tax shall be deposited in equal sums into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. The bill was incorporated into HB 1151.

**Primary Sponsors**  
Lee Ware

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**Title**  
Pesticides; prohibits the manufacture, distribution, etc., for use of chlorpyrifos.

**Description**  
Prohibited pesticides; chlorpyrifos. Prohibits the manufacture, distribution, sale, offer for sale, use, or offer for use of any pesticide containing chlorpyrifos, defined in the bill, as an active ingredient. The bill requires the Virginia Department of Agriculture and Consumer Services to seize any such pesticide in lieu of any other penalty imposed under current law for a violation of Chapter 39 (Pesticide Control) of Title 3.2.

**Primary Sponsors**  
Kaye Kory
<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Primary Sponsors</th>
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<tr>
<td><strong>Title</strong> Food packaging; PFAS chemicals, penalty.</td>
<td><strong>Description</strong> Food packaging; PFAS chemicals; penalty. Prohibits the sale, offer for sale, or distribution for sale or use of any food packaging containing perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals), defined in the bill as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. The penalty for violating the prohibition is a Class 2 misdemeanor.</td>
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<td><strong>Primary Sponsors</strong> Sally Hudson</td>
<td><strong>Labels:</strong> VCC Defensive Priority Bill VMA Defensive Priority Bill</td>
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<td><strong>State</strong> VA <strong>Bill Number</strong> HB 1712</td>
<td><strong>Last Action</strong> House Continued To 2021 In Agriculture Chesapeake And Natural Resources By Voice Vote 2020 02 05</td>
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<tr>
<td><strong>Title</strong> Disposable plastic bags; local taxation per bag in Planning District 8 when provided to consumers.</td>
<td><strong>Description</strong> Local disposable paper and plastic bag tax. Authorizes any locality to impose a tax of five cents per bag on disposable paper bags or 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 one cent of the five-cent tax.</td>
<td><strong>Primary Sponsors</strong> Adam Ebbin</td>
</tr>
<tr>
<td><strong>State</strong> VA <strong>Bill Number</strong> SB 11</td>
<td><strong>Last Action</strong> House Delegates Carr Lopez Ware 2020 02 27</td>
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<td><strong>Title</strong> Plastic bags; tax in the Chesapeake Bay Watershed.</td>
<td><strong>Description</strong> Plastic bag tax in the Chesapeake Bay Watershed. Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of every five cents collected.</td>
<td><strong>Primary Sponsors</strong> Chap Petersen</td>
</tr>
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<td><strong>State</strong> VA <strong>Bill Number</strong> SB 26</td>
<td><strong>Last Action</strong> Senate Incorporated By Finance And Appropriations Sb 11 Ebbin 16 Y 0 N 2020 01 30</td>
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<tr>
<td><strong>Title</strong> Plastic bags; tax in the Chesapeake Bay Watershed.</td>
<td><strong>Description</strong> Plastic bag tax in the Chesapeake Bay Watershed. Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of every five cents collected.</td>
<td><strong>Primary Sponsors</strong> Chap Petersen</td>
</tr>
</tbody>
</table>
Title
Single-use plastic and expanded polystyrene products; local prohibition, local tax.

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

Primary Sponsors
Barbara Favola

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Title
Disposable plastic shopping bags; local option.

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

Primary Sponsors
Mamie Locke
### Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

**Title**
Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

**Description**
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.

**Primary Sponsors**
Emmett Hanger

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### Gasification facilities and pyrolysis facilities; economic development incentives.

**Title**
Gasification facilities and pyrolysis facilities; economic development incentives.

**Description**
Economic development incentives for gasification facilities and pyrolysis facilities. The bill provides that gasification facilities and pyrolysis facilities, defined in the bill, shall be eligible for grants from the Commonwealth’s Development Opportunity Fund under the minimum investment and job creation criteria for grants from the Fund, which under current law are a $1.5 million investment and 15 new jobs.

**Primary Sponsors**
Emmett Hanger
Title
Hazardous Substance Aboveground Storage Tank Fund; created.

Description
Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Primary Sponsors
Scott Surovell

Organizational Notes
Last edited by Brett Vassey at Feb 4, 2020, 1:18 PM
VMA business coalition provided patrons with a substitute focused on extremely hazardous and priority pollutants in tanks 25,000+ gallons whereby DEQ will form a working group to identify visual inspection and risk-based standards and operator training standards for regulating tanks. DEQ is tasked with “harmonizing” existing tank registration and overlapping regulations. Immediately, regulations will be promulgated to require discharge response plans to notify downstream water suppliers and emergency response agencies.
Title
Workers’ compensation; presumption of compensability for certain diseases.

Description
Workers’ compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers’ Compensation Act when firefighters or certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.

Primary Sponsors
Emily Brewer

Title
Workers’ compensation; retaliatory discharge of employee.

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

Primary Sponsors
Lee Carter
Title
Workers' compensation; employer to notify employee of intent.

Description
Workers' compensation; employer to notify employee of intent. Requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee or a third party. If the employer is unable to make such a determination because it lacks sufficient information from the employee or a third party, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons.

Primary Sponsors
Lee Carter

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Title
Workers' compensation; foreign injuries.

Description
Workers' compensation; foreign injuries. Provides that an injured employee is eligible for benefits under the Virginia Workers' Compensation Act when a compensable accident happens while the employee is employed outside Virginia if (i) the employment contract was not expressly for services exclusively to be performed outside Virginia and (ii) either the employer's place of business is in Virginia or the employee regularly performs work on the employer's behalf in Virginia and resides in Virginia.

Primary Sponsors
Lee Carter
Workers’ compensation; presumption of compensability for certain diseases.

Title
Workers’ compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, and testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers’ Compensation Act when firefighters and certain employees develop the cancer.

Primary Sponsors
Jennifer Carroll Foy

Workers’ compensation; repetitive motion injuries.

Title
Workers’ compensation; repetitive motion injuries. Directs the Virginia Workers’ Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers’ injuries caused by repetitive motion through the Virginia workers’ compensation system.

Primary Sponsors
Liz Guzman
Title
Workers' compensation; presumption of compensability for certain diseases.

Description
Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bill also reduces the number of years of service needed to qualify for the presumption from 12 to five for various types of cancer. For hypertension or heart disease, the bill adds a requirement that an individual complete five years of service in their position in order to qualify.

Primary Sponsors
Alex Askew

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

Description
Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, and testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer.

Primary Sponsors
Scott Wyatt
### Title
Workers' compensation; occupational disease presumption, DMV officers.

### Description
Workers' compensation; occupational disease presumption; Department of Motor Vehicles officers. Establishes a presumption that hypertension or heart disease causing the death or disability of a full-time sworn member of the enforcement division of the Department of Motor Vehicles is an occupational disease compensable under the Workers' Compensation Act.

### Primary Sponsors
Kelly Convirs-Fowler

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### Title
Workers' compensation; Ombudsman program created.

### Description
Workers' compensation; Ombudsman program. Authorizes the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program. The program's purpose will be to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission.

### Primary Sponsors
Terry Kilgore

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### Title
Workers' compensation; psychological injuries.

### Description
Workers' compensation; psychological injuries. Provides that an employee who suffers a psychological injury from sudden shock and fright that arises out of and in the course of any employment shall have a compensable claim under the Virginia Workers' Compensation Act regardless of whether the incident that caused the sudden shock and fright is either a normal or expected part of the employee's work.

### Primary Sponsors
Kat Murphy
Workers' compensation; presumption of compensability for certain diseases.

Description
Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.

Primary Sponsors
Dick Saslaw

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

Description
Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.

Primary Sponsors
John Cosgrove
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<td>VA</td>
<td>SB 227</td>
<td>Senate Stricken At Request Of Patron In Commerce And Labor 13 Y 1 N 2020 01 27</td>
<td>Failed</td>
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<td>VA</td>
<td>SB 381</td>
<td>Senate Incorporated By Commerce And Labor Sb 9 Saslaw 15 Y 0 N 2020 01 13</td>
<td>Failed</td>
<td>Oppose</td>
<td>Medium</td>
</tr>
</tbody>
</table>

**Title**

Virginia Workers' Compensation Commission; review and adjust fee schedules annually.

**Description**

Virginia Workers' Compensation Commission; fee schedules. Requires the Virginia Workers' Compensation Commission to review and adjust the Virginia fee schedules annually. Under current law, such review is required biennially. The bill also requires the Commission, in its review conducted in 2020, to adjust the fee schedules to reflect the inflation or deflation for the years 2016, 2017, 2018, and 2020.

**Primary Sponsors**

Lionell Spruill

**Title**

Workers' compensation; presumption of compensability for certain diseases.

**Description**

Workers' compensation; presumption of compensability for certain diseases. Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure also incorporates some of the recommendations of the 2019 study of the workers' compensation system and disease presumptions conducted by the Joint Legislative Audit and Review Commission by (i) reducing the required number of years of service from 12 to five; (ii) removing the requirement that the employee's years of service be continuous; and (iii) providing that an eligible employee may meet the toxic exposure requirement by demonstrating either exposure to a toxic substance, as is currently required, or participation in responses to fire scenes, either during the fire or afterward as part of clean-up or investigation. The measure also removes the definition of a "toxic substance" as one that is a known or suspected carcinogen as defined by the International Agency for Research on Cancer.

**Primary Sponsors**

Jeremy McPike