



Weekly Legislative Update

Last Updated: September 16, 2020

Executive Summary

Basic overview of the VMA and Defensive Priority legislation being monitored and managed during the 2020 Virginia General Assembly Special Session.

Bills by Issue

Civil Litigation (4)

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5019	House Incorporated By Courts Of Justice Hb 5074 Sullivan By Voice Vote 2020 08 26	In House	Support	High

Title

COVID-19 virus; immunity from civil claims related to the transmission of or exposure to the virus.

Introduction Date: 2020-08-15

Labels: VMA Priority Bills

Description

Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus and uses of personal protective equipment; emergency. Provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus. The bill further provides immunity to persons who design, manufacture, label, or distribute any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment. The bill contains an emergency clause, and the immunities provided by such bill expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

Primary Sponsors

Chris Runion

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5037	House Incorporated By Courts Of Justice Hb 5074 Sullivan By Voice Vote 2020 08 26	In House	Support	High

Title

COVID-19 virus; immunity from civil claims related to the transmission of or exposure to the virus.

Introduction Date: 2020-08-17

Labels: [VMA Priority Bills](#)

Description

Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus and uses of personal protective equipment; emergency. Provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus, provided such person has complied with applicable federal, state, and local policies, procedures, and guidance regarding COVID-19. The bill further provides immunity to persons who design, manufacture, label, or distribute any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment. The bill contains an emergency clause, and the immunities provided by such bill expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

Primary Sponsors

Jason Miyares

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5040	House Incorporated By Courts Of Justice Hb 5074 Sullivan By Voice Vote 2020 08 26	In House	Support	High

Title

COVID-19 virus; immunity from civil claims related to transmission of or exposure to the virus.

Introduction Date: 2020-08-17

Labels: [VMA Priority Bills](#)

Description

Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus; emergency. Provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus. The bill contains an emergency clause and expires on July 1, 2022.

Primary Sponsors

Israel O'Quinn

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5023	Senate Incorporated By Judiciary Sb 5082 Marsden 13 Y 0 N 2020 08 26	In Senate	Monitor	Low

Title

Health care providers; certain immunity during disaster under specific circumstances, etc.

Introduction Date: 2020-08-13

Labels: VMA Priority Bills

Description

Declaration of disaster; health care providers; immunity. Provides that, in cases in which a disaster caused by a communicable disease of public health threat has been declared and in the absence of gross negligence, a health care provider who withholds the provision of certain health care procedures in accordance with the provisions of an Order of Public Health Emergency shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider's voluntary or mandatory response to the relevant disaster. The bill also clarifies when a health care provider who responds to such disaster will not be liable for any injury to or wrongful death of any person arising from the delivery or withholding of health care due to an emergency and subsequent conditions that caused a lack of resources rendering the health care provider unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency. The bill also clarifies that a "communicable disease of public health threat" includes a pathogen or illness declared a global pandemic by the World Health Organization. This bill was incorporated into SB 5082.

Primary Sponsors

Tommy Norment

Employment & Safety (4)

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5018	House Tabled In Health Welfare And Institutions 13 Y 9 N 2020 08 25	Failed	Support	Medium

Title

Public health emergency; reports of suspected violations of orders and regulations, penalty.

Introduction Date: 2020-08-14

Labels: VMA Priority Bills

Description

Public health emergency; reports of suspected violations of orders and regulations; penalty; emergency. Provides that any system created by the Department of Health to receive information regarding an alleged violation of an order or regulation of the Board of Health or the Commissioner of Health enacted in response to a public health emergency related to a communicable disease of public health threat shall require, for each report received, the name, address, telephone number, and email address of the individual making the report. The bill makes knowingly making a false report of such violation a Class 1 misdemeanor. The bill includes an emergency clause.

Primary Sponsors

Michael Webert

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5023	House Tabled In Health Welfare And Institutions 13 Y 9 N 2020 08 25	Failed	Support	High

Title

Public health emergency; emergency orders and regulations, limitations.

Introduction Date: 2020-08-17

Labels: VMA Priority Bills

Description

Public health emergency; emergency orders and regulations; limitations. Provides that any emergency order or regulation adopted by the Board of Health shall be valid for no more than 45 days and that such order may be extended by the Board for a subsequent period of 45 days, provided that the Board provides notice and receives public comment on the order or regulation proposed to be extended, but that in no case shall such emergency order or regulation be valid for more than 18 months from the effective date of the initial order or regulation. The bill also provides that in any case in which the Commissioner of Health exercises the authority of the Board to enact an emergency order or regulation, such order or regulation shall be valid for no more than 45 days from the effective date of the order or regulation unless the Board adopts an order or regulation to such effect.

Primary Sponsors

Kathy Byron

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5130	House Referred To Committee On Labor And Commerce 2020 08 25	In House	Monitor	Low

Title

Essential workers; hazard pay, employers to provide personal protective equipment, civil penalty.

Introduction Date: 2020-08-25

Labels:

Description

Essential workers; hazard pay; personal protective equipment; civil penalty. Requires, that following the declaration by the Governor of a state of emergency pursuant to § 44-146.17 that includes or is followed by any additional executive order in furtherance of such declaration that includes a stay at home or shelter in place order, employers shall (i) compensate its essential workers at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked during the closure order and (ii) provide its essential workers with personal protective equipment related to the state of emergency and recommended for the relevant work site or job task by the Department of Labor and Industry, the Department of Health, the U.S. Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration. The bill defines essential worker as those employed as health care providers or by an essential retail business. The bill includes civil penalties and provides a cause of action for an employer's failure to pay the required hazard pay, which are the same as currently provided for failing to pay wages generally.

Primary Sponsors

Hala Ayala

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5076	Senate Passed By Indefinitely In Commerce And Labor 12 Y 3 N 2020 08 19	Failed	Oppose	High

Title

Public & private employers; paid sick leave to eligible employees that can be used during pandemic.

Introduction Date: 2020-08-17

Labels: VMA Defensive Priority Bill

Description

Paid sick time. Requires public and private employers to provide eligible employees paid sick time that can be used during a pandemic. The bill requires employers to provide all full-time and part-time employees with paid sick time if the Governor has declared a state of emergency in response to a communicable disease of public health threat. The bill provides that such paid sick time is available for immediate use by the employee, regardless of how long the employee has been employed by the employer and does not count toward the employee's paid sick time use or accrual limit. The bill provides that such paid sick time may be used for (i) an eligible employee's illness or health condition related to the communicable disease of public health threat; an eligible employee's need for medical diagnosis, care, or treatment of an illness or health condition related to the communicable disease of public health threat; or an eligible employee's need for preventive medical care related to the communicable disease of public health threat; (ii) care of a family member with an illness or health condition related to the communicable disease of public health threat; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness or health condition related to the communicable disease of public health threat; or care of a family member who needs preventive medical care related to the communicable disease of public health threat; or (iii) closure of the eligible employee's place of business by order of a public official due to the communicable disease of public health threat or an eligible employee's need to care for a child whose school or child care provider is closed or unavailable due to the communicable disease of public health threat, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the eligible employee's or family member's presence in the community may jeopardize the health of others because of his exposure to the communicable disease of public health threat, whether or not the eligible employee or family member has actually contracted the communicable disease.

Primary Sponsors

Barbara Favola

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5088	House Referred To Committee On Labor And Commerce 2020 08 19	In House	Monitor	Low

Title

Electric utility regulation; triennial review proceeding, emergency investigations, etc.

Introduction Date: 2020-08-19

Labels: VMA Defensive Priority Bill

Description

Electric utility regulation; triennial review proceeding; emergency investigations; administration of earnings. Directs the State Corporation Commission (the Commission), for Dominion's 2021 triennial review, to administer 100 percent of the earnings that were more than 70 basis points above the utility's most recently approved fair combined rate of return for the test period or periods under review, considered as a whole, to benefit customers. One hundred percent of any such over-earnings not otherwise administered by the Commission pursuant to an emergency investigation, if any, shall be credited to customers' bills, which the Commission shall amortize, in its sole discretion, over a period of six to 12 months. The bill also directs the State Corporation Commission to conduct an emergency investigation of the earnings of each utility subject to triennial review proceedings that is not currently undergoing an earnings review proceeding. The bill provides that if, after reviewing the earnings reported by the utility, the Commission finds that a utility's rates for generation and distribution have produced revenues that exceed the utility's most recently authorized rate of return for the calendar years reviewed by more than 70 basis points, the Commission will administer such over-earnings that are more than 70 basis points above the authorized rate of return to benefit customers. The bill provides that the Commission, in a utility's next triennial review, may take any action it deems necessary and appropriate if the bill credits ordered pursuant to an emergency investigation exceed the bill credits ordered in the utility's triennial review.

Primary Sponsors

Jay Jones

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5085	Senate Passed By Indefinitely In Commerce And Labor With Letter 15 Y 0 N 2020 08 19	Failed	Monitor	Low

Title

Electric utility regulation; triennial review proceeding, emergency investigations, etc.

Introduction Date: 2020-08-17

Labels: VMA Defensive Priority Bill

Description

Electric utility regulation; triennial review proceeding; emergency investigations; administration of earnings. Directs the State Corporation Commission (the Commission), for Dominion's 2021 triennial review, to administer 100 percent of the earnings that were more than 70 basis points above the utility's most recently approved fair combined rate of return for the test period or periods under review, considered as a whole, to benefit customers. One hundred percent of any such over-earnings not otherwise administered by the Commission pursuant to an emergency investigation, if any, shall be credited to customers' bills, which the Commission shall amortize, in its sole discretion, over a period of six to 12 months. The bill also directs the State Corporation Commission to conduct an emergency investigation of the earnings of each utility subject to triennial review proceedings that is not currently undergoing an earnings review proceeding. The bill provides that if, after reviewing the earnings reported by the utility, the Commission finds that a utility's rates for generation and distribution have produced revenues that exceed the utility's most recently authorized rate of return for the calendar years reviewed by more than 70 basis points, the Commission will administer such over-earnings that are more than 70 basis points above the authorized rate of return to benefit customers. The bill provides that the Commission, in a utility's next triennial review, may take any action it deems necessary and appropriate if the bill credits ordered pursuant to an emergency investigation exceed the bill credits ordered in the utility's triennial review.

Primary Sponsors

John Bell

Labor/Management (4)

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5021	House Referred To Committee On Labor And Commerce 2020 08 17	In House	Monitor	Low

Title

Collective bargaining; prohibited considerations during negotiations.

Introduction Date: 2020-08-17

Labels: VMA Priority Bills

Description

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

Primary Sponsors

Glenn Davis

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5071	House Referred To Committee On Labor And Commerce 2020 08 18	In House	Support	Low

Title

Collective bargaining; law enforcement, transparency and accountability.

Introduction Date: 2020-08-18

Labels: VMA Defensive Priority Bill

Description

Collective bargaining; law enforcement; transparency and accountability. Prohibits a county, city, or town from entering into a collective bargaining contract with a labor union or other employee association representing law-enforcement officers or employees of a law-enforcement agency that (i) prevents the Attorney General from seeking equitable relief against a law-enforcement agency engaging in a pattern or practice of unconstitutional misconduct; (ii) includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time; (iii) provides officers with access to evidence before interviews or interrogations about alleged wrongdoing; (iv) mandates the destruction or purging of disciplinary records from personnel files after a set length of time, or limits the consideration of disciplinary records in future employment actions; (v) prohibits the interrogation, investigation, or punishment of officers on the basis of alleged wrongdoing if a set length of time has elapsed since its alleged occurrence, or since the initiation of the investigation; (vi) prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints; or (vii) requires arbitration of disputes related to disciplinary penalties or termination.

Primary Sponsors

Dave LaRock

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5027	Senate Passed By Indefinitely In Commerce And Labor 12 Y 3 N 2020 08 19	Failed	Support	Low

Title

Collective bargaining; law enforcement.

Introduction Date: 2020-08-13

Labels: VMA Priority Bills

Description

Collective bargaining; law enforcement. Provides that no county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any law-enforcement agency or its employees, or to 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 or service. Under current law, beginning May 1, 2021, localities will have the authority to recognize a labor union or other employee association of a law-enforcement agency or its employees and to collectively bargain with such unions or associations if such authority is provided for by local ordinance.

Primary Sponsors

Steve Newman

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5078	Senate Incorporated By Commerce And Labor Sb 5027 Newman 15 Y 0 N 2020 08 19	In Senate	Support	Low

Title

Collective bargaining; law enforcement.

Introduction Date: 2020-08-17

Labels: VMA Priority Bills

Description

Collective bargaining; law enforcement. Provides that no county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any law-enforcement agency or its employees, or to 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 or service. Under current law, beginning May 1, 2021, localities will have the authority to recognize a labor union or other employee association of a law-enforcement agency or its employees and to collectively bargain with such unions or associations if such authority is provided for by local ordinance.

Primary Sponsors

Bill Stanley

Product Liability (1)

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5098	Senate Passed By Indefinitely In Judiciary 7 Y 5 N 1 A 2020 08 26	Failed	Monitor	Medium

Title

COVID-19 virus; immunity from civil claims related to the transmission of or exposure to the virus.

Introduction Date: 2020-08-18

Labels: VMA Defensive Priority Bill

Description

Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus and uses of personal protective equipment; emergency. Provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus. The bill further provides immunity to persons who design, manufacture, label, or distribute any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment. The bill contains an emergency clause, and the immunities provided by such bill expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

Primary Sponsors

Jill Vogel

Tax (1)

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5002	House Referred To Committee On Finance 2020 07 30	In House	Monitor	Low

Title

Income tax, state; subtraction for Paycheck Protection Plan loan forgiveness.

Introduction Date: 2020-07-30

Description

Income tax subtraction for Paycheck Protection Plan loan forgiveness. Establishes an income tax subtraction for forgiveness of indebtedness on a loan received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act through the Paycheck Protection Plan. The subtraction would be available starting in taxable year 2020.

Primary Sponsors

Joe McNamara

Unemployment (1)

State	Bill Number	Last Action	Status	Position	Priority
VA	HB 5118	House Referred To Committee On Labor And Commerce 2020 08 24	In House	Monitor	Low

Title

Unemployment compensation; benefits, one-week waiting period.

Introduction Date: 2020-08-24

Labels: VMA Defensive Priority Bill

Description

Unemployment compensation; benefits; one-week waiting period. Eliminates the one-week waiting period for an eligible unemployed individual to receive benefits.

Primary Sponsors

Sally Hudson

Workers Compensation (1)

State	Bill Number	Last Action	Status	Position	Priority
VA	SB 5022	Senate Incorporated By Commerce And Labor Sb 5066 Saslaw 15 Y 0 N 2020 08 19	In Senate	Monitor	Medium

Title

Workers' compensation; presumption of compensability for COVID-19.

Introduction Date: 2020-08-12

Labels: VMA Defensive Priority Bill

Description

Workers' compensation; presumption of compensability for COVID-19. Establishes a presumption that COVID-19 causing the death or disability of firefighters or other certain employees is an occupational disease compensable under the Workers' Compensation Act.

Primary Sponsors

Jeri Kiggans

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