



Virginia Recreation and Park Society
Preliminary Legislative Report
2020 Virginia General Assembly

April 2, 2020

The following report lists key bills passed by the 2020 General Assembly. The current status of the bill is shown after the bill summary. If the status says "Approved by the Governor" then the bill has completed the process and generally takes effect on July 1, 2020. If the status says "Governor's Action Deadline Midnight, April 11, 2020" then the bill has been sent to the Governor for his action (approval, veto or suggestion of amendment). The Reconvened session, to consider Governor's amendments and vetos, will be on Wednesday, April 22. Joint Resolutions do not go to the Governor and are approved once signed by Speaker of the House and President of the Senate.

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Eminent Domain

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

Provides that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding. The bill provides that its provisions apply only to condemnation actions filed on or after July 1, 2020.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 951 Eminent domain; written offer to purchase property.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

Ethics Reform

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

Clarifies that the Virginia Conflict of Interest and Ethics Advisory Council may give guidance to constitutional officers and legislators regarding the prohibition on representing clients before their agency for one year after leaving office. The bill also

requires the Council and the clerks of local governing bodies and school boards to redact email addresses from disclosure forms prior to releasing them to the public. Current law requires such entities to redact any residential address, personal telephone number, or signature.

Approved by Governor-Chapter 111 (effective 7/1/20)

HB 1100 State Inspector General; powers and duties.

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

Approved by Governor-Chapter 354 (effective 7/1/20)

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

Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, to take training on the provisions of the State and Local Government

Conflict of Interests Act and the Freedom of Information Act at least once every two years. The bill requires such officials in office on July 1, 2020, to complete such training no later than December 31, 2020. Training on the Virginia Freedom of Information Act may be provided online by the Virginia Freedom of Information Advisory Council or the local government attorney. Training on the State and Local Government Conflict of Interests Act shall be provided by the Virginia Conflict of Interest and Ethics Advisory Council and may be provided online. The clerk of the respective governing body is responsible for maintaining training records. This bill is identical to SB 701.

Approved by Governor-Chapter 76 (effective 7/1/20)

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

Requires the executive director and members of each industrial development authority and economic development authority, as created under the authority of the Industrial Development and Revenue Bond Act, to file a Statement of Economic Interests (SOEI) with the clerk of the local governing body as a condition to assuming office and thereafter annually on or before February 1. The first disclosure form for the executive director and members of each industrial development authority and economic development authority will be due on August 1, 2020. Current law requires members of industrial development authorities and economic development authorities to file a Financial Disclosure Statement unless the governing body that appoints the members has required the members to file an SOEI. The bill makes the filing of an SOEI mandatory. Current law provides that any person who knowingly and intentionally makes a false statement of material fact on the SOEI is guilty of a Class 5 felony. This bill is identical to SB 703.

Approved by Governor-Chapter 77 (effective 7/1/20)

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

This bill is identical to HB 1527.

Approved by Governor-Chapter 80 (effective 7/1/20)

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

This bill is identical to HB 1528.

Approved by Governor-Chapter 81 (effective 7/1/20)

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

Youth Health and Safety

HB 36 Student journalists; freedom of speech and the press, definitions.

Declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in institution-sponsored media, including determining the news and opinion content of institution-sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus

facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines "institution-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 65 Virginia Missing Child with Autism Alert Program; established.

Creates a program for local, regional, or statewide notification of a missing child with autism. The bill defines a missing child with autism as a child (i) whose whereabouts are unknown; (ii) who has been diagnosed with autism spectrum disorder; (iii) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; and (iv) whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

Approved by Governor-Chapter 19 (effective 7/1/20)

HB 253 Sex Offender and Crimes Against Minors Registry Act; requiring registration.

Adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under the Sex Offender and Crimes Against Minors Registry if the offense was committed on or after July 1, 2020. The bill contains technical amendments.

Approved by Governor-Chapter 389 (effective 7/1/20)

HB 256 Disorderly conduct; students.

Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school.

Enacted, Chapter 199 (effective 7/1/20)

HB 257 School principals; incident reports.

Eliminates the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense. This bill is identical to SB 729.

Approved by Governor-Chapter 335 (effective 7/1/20)

HB 422 Youth and Gang Violence Prevention Grant Fund and Program; created and established.

Establishes the Youth and Gang Violence Prevention Grant Fund and Program, to be administered by the Department of Criminal Justice Services, for the purpose of awarding grants to the Cities of Hampton, Newport News, Norfolk, Portsmouth, Richmond, and Roanoke for the purpose of performing community assessments for youth and gang violence prevention. Grants are to be awarded in an amount of \$25,000 to each city to perform such an assessment. No more than \$150,000 per year shall be allocated by the program.

Approved by Governor-Chapter 392 (effective 7/1/20)

HB 799 Child day programs; lead testing, potable water, effective date.

Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to SB 393.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 997 Child care providers; fingerprint-based background checks, repeals sunset.

Repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure due to its operation by a religious institution, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. This bill is identical to SB 675.

Approved by Governor-Chapter 462 (effective 7/1/20)

HB 1056 Wellness and Opportunity, Commission on; established, report.

Creates the 23-member Commission on Wellness and Opportunity in the legislative branch to study and make recommendations relating to establishing the mission and vision of what health and wellness means for Virginia by examining various dimensions of health and wellness, including but not limited to physical, intellectual, emotional, spiritual, environmental, and social wellness, and utilizing the comprehensive theoretical framework of "the social determinants of health"; identifying and defining measurable opportunities and outcomes that build community competence around well-being; and making policy recommendations for improving the quality of life for the people of the Commonwealth. The Commission shall meet at least quarterly. The bill provides that the Commission will sunset on July 1, 2025.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1260 Athletic Training, Advisory Board on; membership.

Provides that the one member of the Advisory Board on Athletic Training required to be an athletic trainer who is currently licensed by the Board on Athletic Training and who has practiced in the Commonwealth for not less than three years may be employed in the public or private sector. Currently, the law requires that the member be employed in the private sector.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1355 Community schools; establishment, community programs, etc.

Requires the Department of Education to establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of the unique needs of the student population to be served. The bill requires such program to include a process by which school boards and community partnerships may apply to the Department of Education to designate an elementary or secondary school in the local school division as a community school.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1419 School resource officers and school security officers; training standards.

Requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as physical alternatives to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. This bill is identical to SB 171.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1426 School boards; availability of school meals to students, effective date.

Requires each school board to require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make meals available pursuant to such programs to any student who requests such a meal, regardless of whether such student has the money to pay for the meal or owes money for meals previously provided, unless the student's parent has provided written permission to the school board to withhold such a meal from the student. The bill has a delayed effective date of July 1, 2021.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 171 School resource officers and school security officers; training standards.

This bill is identical to HB 1419.

Approved by Governor-Chapter 184 (effective 7/1/20)

SB 393 Child day programs; lead testing, potable water.

This bill is identical to HB 799.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 668 Child care providers; out-of-state background checks.

Requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 675 Child care providers; fingerprint-based criminal background checks, repeals sunset.

This bill is identical to HB 997.

Approved by Governor-Chapter 463 (effective 7/1/20)

SB 729 School principals; incident reports.

This bill is identical to HB 257.

Approved by Governor-Chapter 173 (effective 7/1/20)

Land Conservation, Open Spaces, Park Lands

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

Designates a 66.8-mile segment of the Clinch River in Tazewell and Russell Counties as part of the Clinch State Scenic River, a component of the Virginia Scenic Rivers System. The bill provides that nothing shall preclude the continued operation and maintenance of existing dams in the designated section of river. This bill is identical to SB 478.

Approved by Governor-Chapter 306 (effective 7/1/20)

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

Designates a 19.25-mile segment of the Maury River as a component of the Virginia Scenic Rivers System. This bill is identical to SB 288.

Approved by Governor-Chapter 403 (effective 7/1/20)

HB 886 State Trails Advisory Committee; extends sunset provision.

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

Approved by Governor-Chapter 314 (effective 7/1/20)

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

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

Approved by Governor-Chapter 316 (effective 7/1/20)

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1695 Wildlife Corridor Action Plan; created.

Directs the Department of Game and Inland Fisheries, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, to create a Wildlife Corridor Action Plan (the Plan). The Plan shall identify wildlife corridors, defined as areas connecting fragmented wildlife habitats that are separated by human activities or infrastructure, and recommend wildlife crossing projects intended to

promote driver safety and wildlife connectivity. The bill requires the Plan to be submitted to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by September 1, 2022, and every four years thereafter. The bill also provides that the Department of Transportation shall (i) include the impact on any wildlife corridor identified in the Plan in any environmental impact report for a highway project and (ii) consider measures for the mitigation of harm caused to wildlife by a highway in the design options for the construction of such highway. This bill is identical to SB 1004.

Approved by Governor-Chapter 323 (effective 7/1/20)

SB 288 Maury River; designating a 19.25-mile segment as a Virginia Scenic Rivers System.

This bill is identical to HB 282.

Approved by Governor-Chapter 404 (effective 7/1/20)

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

This bill is identical to HB 5.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 1004 Wildlife Corridor Action Plan; created.

This bill is identical to HB 1695.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Approved by Governor-Chapter 458 (effective 7/1/20)

Pedestrian Safety, Bike Safety & Walkability

HB 465 Transportation companies, certain; local regulation.

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

EMERGENCY

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 543 Electric power-assisted bicycles; amends definition.

Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. This bill is identical to SB 871.

Approved by Governor-Chapter 59 (effective 7/1/20)

SB 437 Bicyclists and other vulnerable road users; penalty.

Provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 871 Electric power-assisted bicycles; amends definition.

This bill is identical to HB 543.

Approved by Governor-Chapter 260 (effective 7/1/20)

Environment and Water Resources

HB 22 Virginia Community Flood Preparedness Fund; loan and grant program.

Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund (the Fund), directs the Department of Conservation and Recreation to administer the Fund, and authorizes localities to lend or grant money from the Fund to implement flood prevention and protection projects and studies. The bill requires that at least 25 percent of the money disbursed from the Fund each year be used for projects in low-income geographic areas. The measure also authorizes any locality to forgive the principal of a loan it grants in a low-income geographic area so long as the total amount of loans forgiven by all localities does not exceed 30 percent of the amount appropriated to the Fund during the fiscal year. The bill provides that any locality that forgives such a loan remains obligated to pay the principal to the Commonwealth. This bill is identical to SB 320.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 117 Virginia Geographic Information Network Advisory Board; increases membership.

Adds two county, city, town, or regional government geographic information system (GIS) directors or managers as members of the Virginia Geographic Information Network Advisory Board. This bill is identical to SB 127.

Approved by Governor-Chapter 36 (effective 7/1/20)

HB 414 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. This bill is identical to SB 504.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 534 Disposable plastic bags; local tax.

Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. This bill is identical to SB 11.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 704 Environmental justice; state agency policy, Virginia Council on Environmental Justice, established.

Provides that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth. This bill is identical to SB 406.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 706 Offshore drilling; prohibition on leases, policy.

Prohibits the granting of a lease, easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline. This bill is identical to SB 795.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 714 Virginia Energy Plan; climate change pressing challenge.

Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. States that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged

communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. Also states that it is the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure reliability of the electricity supply and needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. Requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the 4 years preceding the issuance of the Plan. Identical to SB 94.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Approved by Governor-Chapter 313 (effective 7/1/20)

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

Directs the State Water Control Board to adopt regulations providing for the use of a proprietary BMP only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. Requires any proprietary BMP on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, to provide documentation to DEQ showing its effectiveness has been verified by another state, regional, or national certification program and prohibits any such

proprietary BMP that fails to provide such documentation from being used in stormwater management plans after January 1, 2022.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 981 Clean Energy and Community Flood Preparedness Act; definitions, funds.

Directs DEQ 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. Authorizes the Director of DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program. 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. Authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. Provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. 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. This bill is identical to SB 1027.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

Authorizes the Governor to award grants from the existing Governor's Agriculture and Forestry Industries Development Fund to encourage efforts by political subdivisions to support agriculture and forestry. The bill creates the Agriculture and Forestry Industries Development Planning Grant Program, authorizes the Governor to award reimbursable grants to political subdivisions through the Program, and directs the Secretary of

Agriculture and Forestry to administer and develop guidelines for the Program, including a local matching fund requirement.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1042 Environmental Justice, Virginia Council on; established.

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

Approved by Governor-Chapter 113 (effective 7/1/20)

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

Directs DEQ 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. Inventory to be published by July 1, 2021, and updated annually.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1154 Litter taxes; increases annual amount of tax.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1164 Environmental Quality, Department of; policy statement.

Adds provisions for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies in the statement of DEQ's purpose. Adds the enhancement of

the environment and the promotion of the health and well-being of the Commonwealth's residents and visitors to DEQ's goals.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Approved by Governor-Chapter 252 (effective 7/1/20)

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

1, 2021, detailing the MCL regulations established by the Department of Health. The bill has a delayed effective date of January 1, 2022.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1313 Chief Resilience Officer; Governor to designate.

Directs the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. Directs the Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, to identify and monitor areas at the greatest risk from recurrent flooding; review and comment on plans for the construction or substantial reinforcement of a substantial flood defense or catchment area, at the request of the locality containing such defense or area; and initiate and assist with the pursuit of funding for resilience initiatives. Expands the list of programs with which localities and the Commonwealth are required to coordinate as part of their flood control efforts.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1354 Plastic Waste Prevention Advisory Council; established.

Establishes in the executive branch of state government the Plastic Waste Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth. Sunsets June 30, 2023.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1375 Living shorelines; resiliency.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1422 Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland.

Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. 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. 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. Identical to SB704.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1458 Water protection permits; administrative withdrawal of application.

Authorizes the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior to an administrative withdrawal, the Board to provide (i) notice to the applicant and (ii) an opportunity for an

informal fact-finding proceeding. 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.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1609 Nutrient and sediment credit generation and transfer.

Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. Provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the DEQ, such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. Authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wasteload allocation under certain circumstances. Identical to SB 747.

Governor's Action Deadline 11:59 p.m., April 11, 2020

HB 1612 Grays Creek; designating as component of Virginia Scenic Rivers System.

Six-miles of Grays Creek in Surry County as Virginia Scenic Rivers System. Identical to SB1090.

Approved by Governor-Chapter 322 (effective 7/1/20)

HB 1664 Electric utilities; offshore wind generation facilities development.

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

including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) give priority to the hiring of local workers, including workers from historically economically disadvantaged communities. 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.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. This resolution is identical to SJ 38.

Passed

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

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.

Passed

HJ 102 Coastal Flooding, Joint Subcommittee on; continued, appropriations.

Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2021 interim. This resolution is identical to SJ 27.

Passed

SB 11 Disposable plastic bags; local tax.

The bill is identical to HB 534.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 94 Virginia Energy Plan; climate change pressing challenge.

This bill is identical to HB 714.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 127 Virginia Geographic Information Network Advisory Board; increases membership.

This bill is identical to HB 117.

Approved by Governor-Chapter 175 (effective 7/1/20)

SB 320 Virginia Community Flood Preparedness Fund; definitions, low-income loans, forgiveness of principal.

This bill is identical to HB 22.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 406 Virginia Environmental Justice Act; definitions, policy regarding environmental justice.

This bill is identical to HB 704.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 504 Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

This bill is identical to HB 414.

Approved by Governor-Chapter 272 (effective 7/1/20)

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

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 673 Nonagricultural irrigation wells; prohibited outside surficial aquifer.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 674 Voluntary forest mitigation; agreements.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 685 Certified pollution control equipment and facilities; tax exemption, timing of certification.

Identical to HB 1173.

Approved by Governor-Chapter 65 (effective 7/1/20)

SB 704 Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland.

Identical to HB1422

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 747 Nutrient and sediment credit generation and transfer; limits certain transfers.

This bill is identical to HB 1609.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 776 Wetlands protection; living shorelines.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 795 Offshore drilling; prohibition on leases, policy.

This bill is identical to HB 706.

Approved by Governor-Chapter 452 (effective 7/1/20)

SB 843 Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.

Authorizes the State Water Control Board or the Department of Environmental Quality, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or the Department retain a certified plan reviewer or

conduct a plan review. The bill also directs the Board to adopt implementing regulations and provides requirements for the process of adoption.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 883 Environmental Justice, Virginia Council on; established.

This bill is identical to HB 1042.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 1027 Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

This bill is identical to HB 981.

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 1064 Combined sewer overflow outfalls; James River watershed.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 1075 Environmental Quality, Department of; public comment.

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

Governor's Action Deadline 11:59 p.m., April 11, 2020

SB 1090 Grays Creek; designating as component of Virginia Scenic Rivers System.

This bill is identical to HB 1612.

Approved by Governor-Chapter 457 (effective 7/1/20)

SJ 27 Coastal Flooding, Joint Subcommittee on; continued, appropriations.

This resolution is identical to HJ 102.

Passed

SJ 38 Coastal areas; study on economic consequences of weather-related events, effective clause.

This resolution is identical to HJ 47.

Passed

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

DEQ to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling. The Task Force shall include stakeholders to discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. Task Force to discuss potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants.

Passed

Other

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

Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. Creates a training wage at 75% of the minimum wage for employees in on-the-job training programs lasting less than 90 days. Provides that the minimum wage applies to persons whose employment is covered by the Fair Labor

Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. Provides that the minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers. Identical to SB 7.

Governor's Action Deadline 11:59 p.m., April 11, 2020

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

This bill is identical to HB 395.

Governor's Action Deadline 11:59 p.m., April 11, 2020