

LEGISLATIVE REPORT #1

FROM: Martha Burton
(804) 861-1666
mburton@craterpdc.org

January 6, 2020

BILLS INTRODUCED

HB 7; SB 97 - Del. Jeff Bourne, Sen. Jennifer McClellan, Richmond – to amend Sections 36-96.3 & 36-96.17 of the **Virginia Fair Housing Law** to prohibit localities from discriminating via their local land use ordinances in the permitting of housing developments on the basis of race, color, religion, national origin, sex, elderliness, familial status or handicap, or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80% of the median income of the area. If such alleged discriminatory practice involves the legality of any local zoning or land use ordinance, the matter would go to the Attorney General for civil action in circuit court.

HB IN HOUSE (will probably be General Laws) & SB IN SENATE GENERAL LAWS & TECHNOLOGY COMMITTEES

HB 12 - Del. Ibraheem Samirah, Fairfax County – to require the **Virginia Department of Education** to establish a procedure for the receipt, investigation and resolution of **student complaints alleging discrimination** on any basis that is prohibited by state or federal law, including discrimination on the basis of sex (Title 1X).

REFERRED TO HOUSE _____

HB 15 - Del. Paul Krizek, Alexandria – to require all **school buses** to have seat belts and shoulder straps by 7-1-2038.

IN HOUSE _____

HB 23; SB 23, SB 159 - Del. Joe Lindsey, Norfolk; Sen. Jennifer Boysko, Fairfax Co; Sen. Adam Ebbin, Alexandria – to amend Section 15.2-1500.1 to prohibit **discrimination by local governments in employment** on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity or status as a veteran. It would also add pregnancy, childbirth or related medical conditions, marital status, sexual orientation,

Legislative Report #1
Page Two

gender identity to Section 15.2-1507 re: **Grievances & Grievance Hearings**. It would also amend Section 15.2-1604 to include hiring practices of **Constitutional Officers**, and Section 22.1-295.2 in order to include **School Boards**.

REFERRED TO HOUSE _____ & SENATE GENERAL LAWS & TECHNOLOGY COMMITTEES

HB 40 - Del. Samirah – **RE: Requirements for Public School Buildings** – to require that every public school building maintain a Mental Health Break Space – indoors, separate from classrooms, close as possible to school’s medical service facilities. Specific regs to come from collaboration with the Department of Behavioral Health & Development Services.

REFERRED TO HOUSE _____

HBs 44, 121, SBs 9, 58 - Del. Emily Brewer, Isle of Wight County; Del. Jennifer Carroll Foy, Woodbridge; Sen. Dick Saslaw, Fairfax County; Sen. John Cosgrove, Chesapeake – **RE: Workers’ Compensation** – to add colon, brain or testicular cancers to the list of cancers presumed to be occupational diseases for **firefighters**.

REFERRED TO HOUSE _____ & SENATE COMMERCE & LABOR COMMITTEES

HB 46 - Del. Lee Carter, Manassas – **RE: Workers’ Compensation** – to require an employer whose employee has filed a claim to tell the employee whether he intends to accept or deny the claim or if he does not have sufficient information from the employee. If information is not sufficient, the employer would have to tell the employee what additional information is needed. If the employer intends to deny the claim, he must tell the employee why.

REFERRED TO HOUSE _____

HB 51; SB 40 - Del. Barry Knight, Sen. Bill DeSteph, Virginia Beach – **RE: Line of Duty Act** – to provide that children born or adopted after the death or disability of a covered employee are eligible for health insurance coverage if coverage does not result in a premium increase.

REFERRED TO HOUSE ____ & SENATE FINANCE COMMITTEES

HB 67 - Del. Carter – **RE: Public Employees (state & local) Strikes** – to amend the existing statutes to provide that public safety employees who strike shall be terminated; others may strike. Current law applies to all public employees (Section 40.1-55).

REFERRED TO HOUSE _____

Legislative Report #1
Page 3

HB 70 - Del. Carter – **RE: Broadband Services** – to provide that a broadband provider shall be prohibited from offering or renewing services within a locality in which certain media is throttled, blocked, or prioritized on the basis of content, format, host address or source.

REFERRED TO HOUSE _____

HB 86 - Del. Terry Kilgore, Scott County – **RE: Required Local Effort for Basic Aid Education Funding** – In localities which are rated “above-average fiscal stress” or high fiscal stress” by the Commission on Local Government **and** have a composite index at or below 0.2000, the school boards may spend up to 25% of the required local effort on school construction/renovation. To expire on 7-1-2032.

REFERRED TO HOUSE _____

HB 106 - Del. Mark Cole, Spotsylvania County – **RE: Numbers Required on Buildings** – to amend Section 15.2-2024 to allow localities to impose a civil penalty of up to \$100 for violations not corrected after 15 days notice.

REFERRED TO HOUSE _____

HB 107 - Del. Kilgore – **RE: Health Insurance for School Division Employees** – to allow local school boards to elect to participate in the State Employee Health Insurance Plan instead of the current state-administered local health insurance plan.

REFERRED TO HOUSE _____

HB 108 - Del. Lindsey – **RE: State Holidays** – to eliminate Lee-Jackson Day; to add Election Day.

REFERRED TO HOUSE _____

HB 122 - Del. Carroll Foy – **RE: Procurement for Public Works Construction Projects** – to amend Section 2.2-4321.2 to expand it to include local governments and school divisions; to provide that in procurement or letting contracts for public works projects, the government agency MAY require bidders, contractors, subs to enter into or adhere to project labor agreements (pre-hire collective bargaining agreements) with one or more labor organizations.

REFERRED TO HOUSE _____

SB 182 - Sen. Saslaw – **RE: Section 2.2-4321.2** (see HB 122 above). Instead of amending current law which applies to the state, not localities, this repeals it completely.

REFERRED TO SENATE GENERAL LAWS & TECHNOLOGY COMMITTEE

SB 140 - Del. Glenn Davis, Virginia Beach – **RE: Hiring, Employment Applications** – to add a new section to Title 15.2 to prohibit a locality from including a question asking if the person has ever been arrested for, charged with, or convicted of any crime, unless the inquiry occurs during or after a staff interview. Does not apply to law enforcement positions.

REFERRED TO HOUSE _____

HB 150 - Del. Samirah – **RE: Derelict Residential Buildings** – to amend Section 15.2-907.1 (Section applicable to localities that have a Real Estate Tax Abatement Program). It seeks to allow those localities to impose a civil penalty not exceeding \$1,000/month on those persons who have been notified and have not submitted a plan.

REFERRED TO HOUSE _____

HB 151 - Del Samirah – **RE: Accessory Dwelling Units** – to add a new section to Title 15.2 that defines these units and would **Require** all localities to allow for the development and use of one accessory dwelling unit per single-family dwelling notwithstanding any contrary provision of the zoning ordinance. Localities could regulate size & design, as well as fees, parking, but regs could not be excessive, arbitrary or burdensome.

REFERRED TO HOUSE _____

HB 152 - Del. Samirah – **RE: Two-Family Housing on Single Family Lots** – to add a new section to Title 15.2 to Require all localities to allow development or redevelopment of “middle-housing” units (2-family residential units, such as duplexes, townhouses, cottages) on each lot zoned for S-F residential use. No special use permit could be required. Localities could regulate siting, design, environmental standards, setback so long as development is not discouraged.

REFERRED TO HOUSE _____

HB 153 - Del. Carter – to **repeal Virginia’s Right to Work Law.**

REFERRED TO HOUSE _____

HB 166 - Del. Knight – **RE: Public Meeting Notices** – to amend Section 15.2-2204 to provide that if a locality has submitted a timely notice request to a newspaper and it fails to publish it, a locality shall be deemed to have met the notice requirements as long as the notice of the agenda, including the item for publication, was published on the locality’s website at least 3 weeks before the hearing.

REFERRED TO HOUSE _____

Legislative Report #1
Page Five

HJR 2 - Del. Bourne – Proposed Constitutional amendment that would allow the General Assembly to allow localities to provide a real estate tax exemption on affordable housing.

REFERRED TO HOUSE _____

HJR 20 - Del. Mark Cole – **RE: Composite Index** – to direct JLARC to study the Composite Index.

REFERRED TO HOUSE _____

HJR 24 - Del. Joshua Cole, Stafford County – to express the sense of the General Assembly that the U. S. Census Bureau should count incarcerated persons at their address of residence, rather than the prison address.

REFERRED TO HOUSE _____

SB 188 - Sen. Mark Peake, Lynchburg – **RE: Legislation Affecting Local Government Finances** – to amend Section 30-19.03 to require that all bills having a negative fiscal impact on localities be pre-filed on or before December 15.

REFERRED TO SENATE RULES COMMITTEE

SB 189 - Sen. Peake – **RE: Local Jail Reimbursements** – to amend Section 53.1-20.1 to require the state to compensate local jails for the actual cost of incarceration of state prisoners, as calculated in the annual jail cost report by the Compensation Board, beginning on the 61st day of incarceration.

REFERRED TO SENATE REHABILITATION & SOCIAL SERVICES COMMITTEE

SB 190 - Sen. Peake – **RE: Children’s Services Act** – to amend Section 2.2-5211 to allow the State pool of funds for Community Policy & Management Teams to be used also for residential & non-residential services in a public school setting, and to provide services to children placed in public residential facilities or public special education day schools in addition to private facilities.

REFERRED TO SENATE REHABILITATION & SOCIAL SERVICES COMMITTEE

SB 205 - Del. Ronnie Campbell, Rockbridge County – **RE: Small Renewable Energy Projects** – to amend the definition of these projects by reducing the maximum rated capacity from 150 megawatts to 100 megawatts.

REFERRED TO HOUSE _____

Legislative Report #1
Page Six

HB 226 - Del. Nick Freitas, Culpeper – **RE: Home-Schooled Students** – to provide for these students to participate in public school sports.

REFERRED TO HOUSE _____

HB 231 - Del. Freitas – **RE: Children with Disabilities** – to add Section 2.2-217.2 that would provide that for students with disabilities who are in public school pursuant to his or her IEP, who are subsequently moved to a nonpublic school setting, the parents would be given the SOQ per pupil state funds, including the per pupil share of State Sales Tax funds in basic aid, and any state per pupil share of Special Ed funds for use in paying tuition and fees at the nonpublic school.

REFERRED TO HOUSE _____

HB 233 - Del. Martha Mugler, Hampton – **RE: Teacher Salaries** – to amend Section 22.1-289.1 to say Teachers “**shall**” be paid at or above the national average teacher salary, effective July 1, 2025, and directs that state funds will be provided incrementally to implement by 2025.

REFERRED TO HOUSE _____

HB 246 - Del. Mark Levine, Alexandria – **RE: Body-Worn Cameras** – to require the Department of Criminal Justice Services to establish a model policy for the operation of body-worn camera systems; to add Section 15.2-1723.1 to provide that no law enforcement agency shall purchase or deploy such systems without an adopted and established written policy. The policy must follow the best practices and guidance in the model state policy and prior to adoption of the local policy there must be public review and comment.

REFERRED TO HOUSE _____

HB 248 - Del. Lindsey – **RE: Industrial Hemp Products** – to allow any locality by ordinance to restrict the display on exterior signage of the symbol of a green cross with arms of equal length by any business that sells hemp products.

REFERRED TO HOUSE _____

HB 284; SB 225 - Del. Joshua Cole; Sen. Richard Stuart, Northern Neck – **RE: Roadside Vegetation** – to add Section 15.2-2009.1 to allow localities, by ordinance, to require that property owners located within 5 feet of pavement of any public right-of-way remove any trees, limbs, high grass, vegetation that may obstruct line of sight after reasonable notice.

REFERRED TO HOUSE _____ & SENATE LOCAL GOVERNMENT COMMITTEES

Legislative Report #1
Page Seven

HB 309 - Del. Bob Bloxom, Eastern Shore – **RE: Lodging Taxes-State Parks** – to allow localities to impose the lodging tax in state parks.

REFERRED TO HOUSE _____

HB 311 - Del. Wendy Gooditis, Fauquier County – **RE: Drones** – to amend Section 15.2-926.3 to allow political subdivisions to adopt time, place or manner restrictions re: takeoff or landing of unmanned aerial systems on property owned by the political subdivisions.

REFERRED TO HOUSE _____

HB 316 - Del. Gooditis – **RE: Refunds of Erroneous Tax Assessments** – to amend Section 58.1-3981 to allow localities to authorize the Treasurer to approve and issue such refunds up to \$5,000 (current limit is \$2,500).

REFERRED TO HOUSE _____

HB 317 - Del. Gooditis – **RE: County Meals Taxes** – to amend Section 58.1-3833 to allow a county adjacent to a city that imposes the meals tax to set its rate at the same rate as the city's rate; otherwise the 4% rate cap remains.

REFERRED TO HOUSE _____

HB 319 - Del. Levine – **RE: Reallocation of Prison Population-Redistricting** – to provide that an incarcerated person whose legal residence was in Virginia prior to incarceration will be deemed to live at the former address; if they lived outside of Virginia or their previous address cannot be determined, they will be allocated to a state unit not tied to a specific geographic location. Information will be requested from Federal facilities and persons for whom no record is received will be deemed to have a legal residence that cannot be determined.

REFERRED TO HOUSE _____

HB 321 - Del. Levine – **RE: FOI Act** – to allow a public body member to participate via electronic communication if he or she has an immediate family member with a serious medical condition. Also, to extend limit on missing a meeting and participating via electronic communication from 2 meetings/year to 10% of the meetings held/calendar year, whichever is greater.

REFERRED TO HOUSE _____

Legislative Report #1
Page Eight

HB 325 - Del. Levine – **Re: Minimum Wage** – to provide in Sections 40.1-28.9 & 28.10 for a **Local Alternative Minimum Wage**.

REFERRED TO HOUSE _____

HB 327 - Del. Levine – to authorize **Collective Bargaining for Public Employees**.

REFERRED TO HOUSE _____

HB 328 - Del. Levine – to establish a **Family & Medical Leave Insurance Program**.

REFERRED TO HOUSE _____

HB 342 - Del. Robert Bell, Charlottesville – **RE: Meals Tax** – to amend Section 58.1-3833 to exempt from the tax sellers at local farmers markets and roadside stands when sellers' annual income from these sales does not exceed \$2,500.

REFERRED TO HOUSE

HB 343 - Del. Robert Bell – **RE: Donations to Volunteer Organizations** – to amend Section 15.2-953 to allow localities to provide to volunteer fire or ems organizations for capital projects, assistance in preparing requests for information, bids, proposals, and budgeting services.

REFERRED TO HOUSE _____

SB 141 - Sen. Stuart – **RE: Building Code & Fire Code Notices** – to provide that when Code provisions direct enforcement agencies to provide notice of Building Code or Fire Code violations, such notice shall be provided to the owner of the building, structure, property.

REFERRED TO SENATE GENERAL LAWS & TECHNOLOGY COMMITTEE

SB 142 - Sen. Siobhan Dunnivant, Henrico County – **RE: Virtual Virginia** – to require that the Virtual Virginia Program (statewide electronic classroom established by the Department of Education) be made available to every school in Virginia (currently available only to Virginia's high schools). It also authorizes DOE to charge a per-student fee to school divisions for each student enrolled in a Virtual Virginia course beyond an initial allotment of 15 such students/school division. It also directs that DOE shall not limit the total number of such students by school division and DOE cannot charge school divisions for access to course materials.

REFERRED TO SENATE EDUCATION & HEALTH COMMITTEE

Legislative Report #1
Page Nine

SB 151 - Sen. Stuart – **RE: School Nurses** – to **Require** at least one FTE School Nurse position in every elementary, middle & high school, or at least 1FTE School Nurse position per 550 students in K-12.

REFERRED TO SENATE EDUCATION & HEALTH COMMITTEE

SB 255 - Sen. Frank Ruff, Mecklenburg County – **RE: Prince George County** – to allow the County to increase the Lodging Tax to 7 percent.

REFERRED TO SENATE FINANCE COMMITTEE

SB 4 - Sen. Bill Stanley, Franklin County – **RE: Public School Assistance Fund** – to create the new Public School Assistance Fund & Program to provide grants to local school boards to be used solely for the purpose of repairing or replacing roofs of public school buildings. Any school division could apply; priority-greatest need based on a building's condition and ability to pay.

REFERRED TO SENATE EDUCATION & HEALTH COMMITTEE (If passed there, it will then go to Senate Finance Committee).

SB 5 - Sen. Stanley – to amend Section 22.1-138 to direct the Board of Education to prescribe by regulation **uniform minimum standards for the erection of modern school buildings** and the modernization of existing public school buildings for the purpose of promoting positive educational outcomes for each student. Also, to require every school board to annually assess and report to the Board of Education the extent to which every school building complies with the minimum standards. If 1 or more buildings is not in compliance, a long-range plan for compliance with costs would have to go to the Board of Education.

REFERRED TO SENATE EDUCATION & HEALTH COMMITTEE

SB 6 - Sen. Stanley – to provide for a November, 2020 **Statewide Referendum** on issuance of \$3 billion in G. O. bonds for K-12 building construction, repair, modernization. The results would only be advisory, but would demonstrate citizens' preference.

REFERRED TO SENATE COMMITTEE ON PRIVILEGES & ELECTIONS.